ANTHONY J. DIMOND
DELEGATE FROM ALASKA

Congress of the United States
House of Representatives
Washington, D. C.

October 17, 1942

Dr. Everett B. King,
Board of National Missions of the
Presbyterian Church in the United
States of America,
156 Fifth Avenue,
New York, New York

Dear Dr. King:

Your letter of October 16, telling me of your coming trip to Washington, has been received.

I shall be delighted to see you Wednesday morning, October 21, and suggest that you first call the office to see whether I am in. Right at the moment I have no engagements, but once in awhile official business calls me away from the office at the last minute.

With kind regards, I am

Sincerely yours,

Anthony J. Dimond
Delegate

AJD/mlc

P. S. My phone number is NAtional 3120, Extension 617.

Proposed Trip to Alaska

This trip to Alaska has a threefold possibility for service.

1. There is a definite service to be rendered to the soldier boys who are now stationed at the various camps in Alaska. There is no way to determine the exact number of troops that have been stationed in the Territory. However, we have every reason to believe that there is a large number and that number is steadily being increased.

2. This visit would render service to our established Presbyterian churches. These churches are now operating under difficulties and do need the help that the War-Time Service Commission might be able to give them at this time.

3. A definite service can be rendered to the parents who have sons in Alaska. It seems to us that it would mean a great deal for the fathers and mothers in the States to be able to send directly through us greetings to their boys and it will also be a source of real helpfulness to be able to bring greetings from many of these boys back to their parents.

The Plan for the Visit

First of all, it would be well to make an announcement of the fact that such a visit was to be made to Alaska and invite the parents throughout the country to contact us with information relative to their sons in order that direct greetings could be taken to the boys. It would seem to us that this announcement should be made early enough to create some real interest across the church in such a visit.

Secondly, it is in our mind to spend two or three months in Alaska visiting the churches and the camps where our Presbyterian Church has direct responsibility. The visit would not be purely for survey; it would be mainly for service.

The Progress

The following steps have been taken in looking forward to this mission:

The idea was generated in my own mind. I felt from a personal standpoint that I needed to be more helpful to the boys in the armed forces and I also had the conviction that there was a great need in Alaska for some help. Accordingly, I had a conference with Dr. Herman Morse and outlined with him some of the plans in my mind. Dr. Morse approved of the suggestions and a conference was arranged in Philadelphia with Dr. Pugh and Dr. Gardner. I presented in detail this plan to these two men and they seemdd to approve of the project.

I had a conference with Anthony J. Dimond the delegate from Alaska in Washington, D. C. Although Mr. Dimond is a member of the Roman Catholic Church, he expressed a profound interest in the proposed plan and gave me the assurance that he would do all within his power to make the trip possible in arranging travel priorities and any other way that would make the trip more profitable for the Cause.

Proposed Itinerary

Herewith is my proposed itinerary for the trip to Alaska under the Church and Camp Activities Committee of the War-Time Service Commission.

Ketchikan (possibly two weeks) - Our Church in Ketchikan serves only the native population. Consequently it is difficult to definitely line up any church program there with the soldiers. It would be my purpose to spend two weeks in Ketchikan working mainly through the U. S. O. and our church in Metlakatla. The air base is located on Annette Island. Ketchikan, of course, is the place where the boys come when they have off time.

Sitka (two or three weeks) - There must be several thousand soldiers and sailors located in Sitka. There is no U. S. O. building in Sitka at present, with the result that much of the athletic activities in the recreational line is carried on on the campus and in the buildings of Sheldon Jackson School. It would be my purpose to work through Sheldon Jackson School and our church in serving the soldier boys that are in Sitka at the present time.

Haines (possible one week) - The Chilkoot Barracks is located near Haines. Our minister, Rev. Mr. Knudsen, has reported that the officer in command of the barracks is not sympathetic to any religious work. I feel that it would be wise for me to spend several days in Haines, looking at the situation and trying to find some help. I doubt if it would be an opportunity for much service.

Anchorage (three weeks) - Located near Anchorage is Fort Richardson. This is perhaps the largest military base in the Territory. There are thousands of soldiers stationed here and a few in the Matanuska Valley. Here I could work through our churches at Anchorage and Palmer in serving the soldiers.

Fairbanks (two weeks) - Ladd Field is located near Fairbanks with several thousand soldiers. I am sure that it would be profitable to spend several days serving these men through our Church there.

St. Lawrence Island (ten days) - There are some soldiers on this island. How many no one knows. It is strictly a military secret. At present, there is no church or religious service being conducted on the island. So far as we know there is no building for recreation except the public school building. We have two native Presbyterian churches on the island. There is no other organized religious effort being carried on. I feel that it would be a definite contribution to spend several days on this island, serving the men as well as studying the needs for the future work.

Point Barrow (one week) - There are a few men stationed in Point Barrow and the bomber planes make frequent landings here. I feel that our church in Point Barrow should be recognized and supported by the Church and Camp Activities Committee to the point of sending me there. I do not know what can be done.

I estimate that the proposed trip will cost $2,000. This figure may vary depending upon the transportation. If I am able to secure transportation in Army planes, this figure will be cut down. If, however, I am not able to secure Army transportation the figure may be increased.

Board of National Missions
of the Presbyterian Church in the
United States of America
156 Fifth Avenue, New York, N.Y.

April 29, 1943

Hon. Anthony J. Dimond,
Delegate From Alaska
Congress of the United States
House of Representatives
Washington, D. C.

Dear Mr. Dimond:

I am still interested in some type of service in Alaska in behalf of our large number of soldier boys who are now stationed there. Some weeks ago, you will recall, I was in Washington and talked to you about this plan. At the time you gave a hearty approval of such a venture. However, we have been experiencing difficulty in securing any kind of transportation for such a visit. This matter has been taken up by the Stated Clerk of our Church with the Chief of Chaplains, but the way has not been opened.

Since the Government has appointed Archbishop Spellman and Bishop Adna W. Leonard for special services with our army forces who are on foreign soil, I wonder whether or not you could not persuade the powers that be to make a similar appointment for the territory. Of course, I am willing to offer my services, but in case the Government feels that someone else should be appointed, I would not make an contention. My soul purpose is to see to it that the men in the armed services have some kind of recognition.

If you know of a way or ways by which someone could be appointed on a commission of good will, I think it would be wise for you to pursue the request. If in your own good judgment you feel that I am the man to make the trip, you have my permission to follow through with my name. My Board of National Missions will grant me a leave of absence necessary for this trip. As to the expenses, I am quite sure that the Board of National Missions would be willing to bear all or a large portion of the expenses involved.

In other words, I should like to place this matter in your hands, and ask you to see whether or not you feel that there is a way for some service to be rendered.

Cordially yours,

EBK/mk

EVERETT B. KING

COPY COPY COPY

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Cordially yours,

EBK/mk

ANTHONY J. DIMOND
DELEGATE FROM ALASKA

Congress of the United States
House of Representatives
Washington, D. C.

May 4, 1943

Dr. Everett B. King,
Board of National Missions of the
Presbyterian Church in the United
States of America,
156 Fifth Avenue,
New York, New York

Dear Dr. King:

Your letter of April 29 was received recently.

I shall gladly do everything within my power for accomplishment of your wishes and shall report to you further at the earliest possible moment.

With highest regards, I am

Sincerely yours,

A. J. Dimond

Anthony J. Dimond
Delegate

AJD/mlc

May 6, 1943

Honorable Anthony J. Dimond
Delegate From Alaska
House of Representatives
Washington, D. C.

Dear Mr. Dimond:

Thank you for your encouraging note of May 4. If you find that there is anything that I can do to promote the cause of Alaska, and particularly the cause of the armed forces now stationed there, please do not hesitate to write to me.

My good friend, Congressman Fritz G. Lanham, I am sure would be willing to help in anyway you might think it wise.

Thank you for your continued interest.

Cordially yours,

EBK/mk

May 7, 1943

Dr. Everett B. King,
Board of National Missions of the
Presbyterian Church in the United
States of America,
156 Fifth Avenue,
New York, New York

COPY

Dear Dr. King:

Your letter of May 6 was received today, and I have a little information to pass on to you.

When you were here did you discuss the matter with Dr. S. Arthur Devan, Director, General Commission on Army and Navy Chaplains, 1137 Woodward Building? I was told today that the Commission arranged Bishop Leonard's trip. This subject was taken up with an officer in Special Services of the Army, and he informed me that it had to be done "through channels", i.e., the Chief of Chaplains, which you have already done, or through Dr. Devan. I suggest that it would be well for you to present your case to Dr. Devan, and I will do what I can to help.

Let me know what you decide.

With kind regards and best wishes, I am

Sincerely yours,

Anthony J. Dimond
Delegate

AJD/mlc

ANTHONY J. DIMOND
DELEGATE FROM ALASKA

Wed a.m.

Congress of the United States
House of Representatives
Washington, D. C.

May 7, 1943

Dr. Everett B. King,
Board of National Missions of the
Presbyterian Church in the United
States of America,
156 Fifth Avenue,
New York, New York

Dear Dr. King:

Your letter of May 6 was received today, and I have a little information to pass on to you.

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Let me know what you decide.

With kind regards and best wishes, I am

Sincerely yours,

A Dimond

Anthony J. Dimond
Delegate

AJD/mlc

May 10, 1943

Dr. S. Arthur Devan,
Director,
General Commission on Army and Navy Chaplains,
1137 Woodward Building,
Washington, D. C.

COPY

Dear Dr. Devan:

Pursuant to our telephone conversation of today, I am enclosing copy of letter dated April 29 addressed to me by Dr. Everett B. King, Secretary of the Board of National Missions of the Presbyterian Church in the United States of America, 156 Fifth Avenue, New York City.

Dr. King is eminently qualified for the service which he suggests, both in high character and outstanding capacity.

Sincerely yours,

Anthony J. Dimond
Delegate

AJD/mlc

Dear Dr King,
This seems to be the best thing to do at present & the outlook seems fairly promising.
A.J.D.

GENERAL COMMISSION ON ARMY AND NAVY CHAPLAINS
Official Cooperative agency representing Evangelical Churches of the United States for certifying ministers to the Government for service as Chaplains, for strengthening the ties between Chaplains and the Churches to which they belong, and for serving as liaison between the Churches and the Government in matters affecting the spiritual welfare of men in service.

Rev. S. Arthur Devan
Director
1137 Woodward Building
Washington, D. C.

May 11, 1943

The Honorable Anthony J. Dimond,
Delegate from Alaska,
House Office Building,
Washington, D. C.

My dear Mr. Dimond:

Thanks for sending me your correspondence with Dr. Everett B. King.

I question whether what he suggests is feasable at the present time, at least anything parallel to the late Bishop Leonard's trip overseas. That trip was in many respects unique. Bishop Leonard went as a representative of this Commission which officially represents twenty-nine Protestant denominations in connection with the Army and Navy Chaplaincy. It is possible that at sometime someone from this Commission may be able to make a tour of the military posts in Alaska. I am sure it would be a very valuable thing to do from every standpoint, and we very much appreciate your interest in the matter.

Very sincerely yours,

(signed)

S. Arthur Devan
Director

ANTHONY J. DIMOND
DELEGATE FROM ALASKA

Congress of the United States
House of Representatives
Washington, D. C.

May 12, 1943

Dr. Everett B. King,
Board of National Missions of the
Presbyterian Church in the United
States of America,
156 Fifth Avenue,
New York, New York

Dear Dr. King:

I much regret that the view of Dr. Devan, as indicated by enclosed copy of his letter to me of May 11, is not favorable for any action at the present moment or for the immediate future.

With highest regards, I am

Sincerely yours,

A. J. Dimond

Anthony J. Dimond
Delegate

AJD/mlc

COPY COPY COPY

THE FEDERAL COUNCIL
OF THE
CHURCHES OF CHIRST IN AMERICA
297 Fourth Avenue, New York, NY

May 13, 1943

Dr. S. Arthur Devan,
Director,
General Commission on Army and Navy Chaplains,
1137 Woodward Building,
Washington, D. C.

My dear Dr. Devan:

Anthony J. Dimond, Delegate from Alaska in Congress, has already spoken to you about the possibility of Dr. Everett B. King of the Board of National Missions of the Presbyterian Church USA., going to Alaska.

Dr. King is responsible for the administration of the work of the Presbyterian Board of National Missions in Alaska and has had three years experience in that connection. Yesterday the Alaska committee of the Home Missions Council appointed Dr. King to represent it in making contacts in connection with the war emergency work of the churches in Alaska, involving especially work with the tropps and encouraging the churches in Alaska to provide more extensive services. Thus, Dr. King becomes the agent not only of his own Board but of the other churches represented in the Home Missions Council.

Since special credentials are necessary to obtain passage to Alaska, and since there apparently are no chaplains with the troops there, I wonder if it would be appropriate for you to take some steps to try to secure passage. I understand that Mr. Dimond would be glad to collaborate and I should think that the Chief of Chaplains Office would approve. What do you think are the possibilities.

Sincerely yours,

RPB/nl

(signed) Roswell P. Barnes

May 17, 1943

The Honorable Anthony J. Dimond
Delegate from Alaska
Congress of the United States
House of Representatives
Washington, D. C.

Dear Mr. Dimond:

Enclosed you will find a copy of a letter that Rev. Roswell P. Barnes wrote to Dr. S. Arthur Devan, May 13.

Since the request that I originally made has gathered some momentum, perhaps you will be encouraged to reopen the request.

Cordially yours,

EPK/mk

COPY

June 1, 1943

Dr. S. Arthur Devan,
Director,
General Commission on Army and Navy Chaplains,
1137 Woodward Building,
Washington, D. C.

Dear Dr. Devan:

Please let me thank you for having given me by telephone today such a full explanation of the decision made with respect to the proffer of services of Dr. Everett B. King in Alaska and for reading to me portions of your letter on the subject written to Dr. Roswell P. Barnes in reply to Dr. Barnes' letter of May 13.

While I do not at all question the decision, may I tell you once more in what high esteem I hold Dr. King and express the earnest hope that at some time in the future it may be found possible to make use of Dr. King's services in Alaska along the lines indicated in Dr. Barnes' letter.

Dr. King has a deep and special interest in Alaska, and I firmly believe that in character and ability and extraordinary energy he is particularly well-fitted for the work which he wishes to undertake.

Sincerely yours,

Anthony J. Dimond
Delegate

AJD/mlc

ANTHONY J. DIMOND
Delegate from Alaska

Congress of the United States
House of Representatives
Washington, D. C.

June 1, 1943

Dr. [illegible] King,
Board of National Missions of the
Presbyterian Church in the United
States of America,
156 Fifth Avenue,
New York, New York

Dear Dr. King:

The enclosed copy of letter which I have today written Dr. [illegible] is almost completely self-explanatory.

Dr. Devan appears to have explained the situation in his own letter to Dr. [illegible] excerpts from which he read to me over the telephone. While I do not question Dr. Devan's position, I still hope it will be found possible for you to serve in Alaska in the manner which you have suggested.

With [illegible] regards, I am

[illegible]

Anthony J. Dimond
Delegate

[illegible]

June 4, 1943

Honorable Anthony J. Dimond
Delegate from Alaska
House of Representatives
Washington, D. C.

Dear Mr. Dimond:

Thank you for your letter of June 1, together with a copy of your letter to Dr. Devan. I do not know whete to turn next. Perhaps the way will open a little later, and I can carry out my plan to go to Alaska. Thank you for all the trouble that I have caused you.

Cordially yours,

EBK/mk

Northern Light Presbyterian Church

WILLIS R. BOOTH, MINISTER
P. O. BOX 3020
JUNEAU, ALASKA

September 1, 1944

Rev. J. Earl Jackman
Board of National Missions
156 Fifth Avenue
New York, N. Y.

Dear Earl:

Enclosed is a copy of the Protest which is being filed by the Juneau Chamber of Commerce at the hearings which are to be held September 15th to 30th at Hydaburg, Klawock and Kake, Alaska on the Petitions filed under the Indian claims of exclusive use of certain areas of Alaska, based on the rights of their ancestors.

This Protest is not very extensive and does not go into a detailed argument or the legal questions involved, but it is written from a layman's standpoint.

If the claim is sustained and the reservations are set up by the Department of Interior, in all probability, there will be no end to the complications resulting as regarding already patented land claims such as the Church holds. The Margold opinion nulls and voids all existing patents.

I thought you might be interested in reading this.

Sincerely yours,

Willis R. Booth

PROTEST OF JUNEAU CHAMBER
OF COMMERCE AGAINST ESTABLISHMENT
OF FISHING RESERVATIONS BASED ON
ABORIGINAL CLAIMS OF NATIVES.

TO THE HONORABLE THE SECRETARY OF THE INTERIOR:

There has been brought to the attention of the Juneau Chamber of Commerce certain Notices of hearings which have been set on Petitions of Indians of Hydaburg, Kake and Klawock for the setting aside of certain lands and waters in Southeastern Alaska for the exclusive use of natives of Alaska, based on a claim of exclusive use and occupancy by their ancestors. These claims have created widespread consternation among the residents of the entire Territory, and particularly those of Southeastern Alaska who are affected by these petitions and claims.

So far as we can learn, the Petitions are filed under the provisions of the Act of Congress of May 1, 1936, Section 358(a), Title 48, U. S. Code. That section provides that the Secretary of the Interior may designate as Indian reservations certain areas or tracts already reserved for the use and occupancy of Indians or Eskimos under Executive Order, and additional public lands adjacent thereto, within the Territory of Alaska, or any other public lands which are actually occupied by Indians or Eskimos within said Territory.

There may be other statutes invoked or other statutes relied upon and we are not going to attempt any detailed reference to the statutes under which the Indians are proceeding, but from the widespread discussion of the subject among the people of the Territory and the general opposition which has arisen to these claims, we know that the claims asserted in the pending Petition have arisen as a result of an opinion rendered on February 13, 1942, by Solicitor Nathan R. Margold, which has been given wide publicity.

Solicitor Margold's opinion proceeds on the theory that the aborigines, natives of Alaska, at the time it

was occupied by Russia, had certain fishing rights and rights of occupancy of different tracts of land in the Territory which were exercised by them as tribes and under tribal laws and customs; that these rights had never been extinguished by Russia, and that when Alaska was purchased from Russia, it was taken over subject to these existing Indian tribal rights; that the United States neglected to extinguish these rights which it is conceded might have been extinguished in any one of four different ways; that is, by treaty, by sword, by purchase or by the exercise of complete dominion adverse to the right of occupancy.

It is not our purpose to discuss the questions of law involved in these proceedings as that will be done by others, but the people of the Territory, including all those engaged in fishing, whether as salmon packers or fishermen, those owning and claiming homesteads, those engaged in the lumbering business, in hunting, in trapping, in mining; and the Territory itself, are thoroughly alarmed at the prospect of certain areas of Alaska being set aside for the exclusive use or occupancy of any body of inhabitants of the Territory, either Indians or whites.

From all information available, it appears that the natives of Alaska never had such rights as they are now asserting. All available evidence shows that while there were certain native families or groups which occupied certain portions of Alaska before the Russians came, they moved about from place to place and never established the right of occupancy in any of the lands of the Territory except where they were grouped together in small villages; that their right of fishery consisted of fishing in the streams by means of spears and gaffs and by barricades built across the streams; that they fished only for their own individual use and did not engage in commercial fishery. This was true of the natives at the time the United States purchased the Territory from Russia.

It is true that in the regulation of the fisheries for the purpose of conservation, stream fishing is prohibited. The erection of barricades across streams for the purpose of impounding fish has long since been discontinued and prohibited as destructive of the supply of fish. To restore those customs is probably not the

purpose of the Department, and we have little fear that whatever is done will result in such a destruction of the fish runs in the streams and rivers, but Mr. Margold's opinion holds that the United States has not extinguished those ancient rights and that they still exist and that they are paramount and superior to all other claims which have been established since the United States took over the Territory, and this would actually result in restoring the right to destroy the fish supply.

It is illogical to argue that large areas of Southeastern Alaska should be set aside for the exclusive use of natives based on their right of succession to exercise the customs and practices of their ancestors by expanding those asserted rights into the right of commercial fishery or the right to the exclusive occupancy of certain lands without also restoring to them the actual rights and the only rights which their ancestors might have possessed, namely, that of fishing, in the streams in any manner they saw fit.

It has been brought to our attention that in the Notices of hearings on these Petitions, patented lands are apparently excluded from consideration. This also is illogical for if we follow Mr. Margold's opinion to its logical conclusion and the Indians' asserted claims to the exclusive use of certain areas described in their Petition are allowed, the patented lands must be included and given over to them. If their ancestors had at any time in the remote past the rights now asserted and claimed, then according to the reasoning of the Margold opinion, all laws passed by the United States by which settlers have been encouraged to come to Alaska, take up lands, settle thereon, receive patents therefor, establish towns and industries and engage in business and commercial activities, are void and of no effect.

In other words, following the Margold theory to its conclusion, Indians may now claim the exclusive use, occupancy and right of possession of any lands in Alaska where they can make any showing that their ancestors, in the remote past, hunted, trapped, fished or roamed about. Patented lands, townsites, homesteads, trade and manufacturing sites, sawmill and waterpower sites and

all other lands in the Territory would be in constant jeopardy from these asserted Indian ancestral claims. It may be that in the hearings to be held at Hydaburg, Kake and Klawock, the claims may be confined to the exclusive right of fishery based on aboriginal use and occupancy, but in the Petitions themselves the Indians are claiming much more, and there is no reason to suppose that if they are successful in these Petitions and others which will also be filed, there would not later on be Petitions filed claiming everything of any value in the Territory.

There are many mines in the Territory where mining was actively carried on until it was made impossible by the exigencies of the war, upon unpatented claims taken up, held and worked under existing mineral laws, but whether operated upon patented or unpatented claims or sites, every mine, every sawmill, every logging operation, and, indeed, every lot and tract of land held by a white person would be in jeopardy under this theory.

The very Acts of Congress creating National Forests would be void and of no effect.

Practically the only industries of Alaska are mining, fishing, logging and lumbering, and the two principal industries, of course, are mining and fishing. It would appear to a layman that if the Indians of Alaska ever had any rights to the exclusive use and occupancy of certain small areas, those rights have long since been extinguished by the United States, if not by Russia. This, of course, involves some discussion of matters within the domain of the legal profession, and they will undoubtedly be presented at the hearings, but to a layman it would appear little short of monstrous that the United States would have purchased Alaska from Russia, opened it to settlement, invited white settlers, extended the mineral laws, homestead laws, fishing laws, game laws, created vast National Forests administered under regulations of the Department of Agriculture and that these would now be held for naught, illegal, invalid and of no force or effect because of certain vague, unproved claims of the descendants of the few aborigines of the country.

We certainly would not wish to take part in or to endeavor to influence a valid contest by any person or group

of persons attempting to assert rights of which they might have been deprived illegally, but an examination of these Indian claims persuades us that they are based on the flimsiest pretext which could possibly be devised.

The Indians of Alaska have made great advances in culture and civilization and their rights have been at all times fully protected by the Government of the United States. They have all the rights and the same rights of the white settlers. Citizenship has been extended to them, they have the right to vote and to take part in the Government of the Territory, the right to hold lands, the right to engage in fishing on the same basis as the whites, the right to engage in any enterprise and business, and in addition to those rights, they have been given special rights and privileges not exercised by the whites, and we would not in the slightest degree wish to see those special rights diminished. They are given certain medical services, they are given the right to borrow money from the Government for the purchase of boats and fishing equipment, they are given the right to take fish and game for their own use at any time, regardless of closed seasons, and they are given many other rights we do not wish to see diminished, but we do not think it would appear their lot to have turned over to them the entire Territory, or large portions of it, for the exclusive use and occupancy of any of their so-called tribes or groups.

It would appear that this was never the intention of Congress. As we have stated, we are of the opinion that whatever rights the ancestors of the present Indian inhabitants of Alaska had, which would appear to be the rights of hunting, fishing and trapping, still exist, subject only to certain regulations and restrictions for conservation purposes, and that any exclusive rights they ever possessed, if, indeed, they ever possessed any, to fish in streams and to barricade streams have long since been extinguished by the settled policy of the Government in opening lands and extending the right of fishery to all inhabitants on an equal basis.

But that is not all, for Congress, in 1935, passed an Act which is popularly known as the Claims Act, under which, if the Tlingit Indians and Haida Indians can show

that any rights, exclusive or otherwise, were ever taken from them by the Government, unjustly, they may file claims in a court established for that purpose and have them heard under the most liberal rules of procedure ever devised, and if any such claims can be established, the Government has undertaken to make payment from general appropriations to be made by Congress.

With the possible exception of lumbering, the industries of Alaska have been seriously handicapped and some of them ruined by conditions arising from the war. With the exception of platinum properties, mining is suspended; those engaged in fisheries have been obliged to consolidate their operations on account of lack of labor, and it will require considerable effort and large sums of new capital to restore the industries to their former position, after the war.

The people of the Territory have been for years looking forward to the possibility of expanding the opportunities for industrial development and consequent settlement of the Territory. We have been hopeful that the paper-making industry might be established in Alaska to utilize the forests now contained in the great National Forests established by Acts of Congress which are efficiently administered by the Forest Service of the Department of Agriculture, but there is little hope that the vast amounts of capital necessary to establish this new industry in the Territory might be attracted here if the threat of these Indians claims is continued. Even if they are confined to fisheries, exclusively, the same reasoning which would permit their establishment in the fisheries could easily be applied to every acre of National Forests in the Territory which might well be claimed as ancient hunting and trapping grounds of the ancestors of the present natives.

Pursuant to Acts of Congress passed from time to time, the Territory enjoys a certain measure of self-government and our revenues are now derived almost wholly from fishing and mining and other activities dependent upon these. The mining industry is now out of production and the revenue formerly derived from that source is dried up. If the fisheries industry is disrupted, even although the claims of the natives based on their alleged ancestral rights could be expanded to include commercial fishing and

they are permitted to take over the exclusive use and control of the fisheries, or any considerable portion of them, whether under Government supervision or otherwise, the revenue now derived from that source would be very greatly curtailed, at least for a number of years.

For the reasons hereinabove stated, the Juneau Chamber of Commerce, representing not only men engaged in business and industry, but men in all walks of life, respectfully protests the allowance of any claims asserted under the pending Petitions.

Respectfully submitted,

Homer Garvin President

Willis R. Booth

W. R. Booth, Secretary

JUNEAU CHAMBER OF COMMERCE

Juneau, Alaska
August 31, 1944

Permanent File.

NOV 15 1945

HOME MISSIONS COUNCIL OF NORTH AMERICA, INC.

THE INTERCHURCH AGENCY OF HOME MISSIONS BOARDS AND SOCIETIES OF TWENTY-THREE DENOMINATIONS

297 FOURTH AVENUE, NEW YORK 10, N. Y.
TELEPHONE GRAMERCY 5-4658

Executive Secretaries
EDITH E. LOWRY
MARK A. DAWBER

Please return to Dept Work in Alaska 1/25 K

November 13, 1945

TO MEMBERS OF COMMITTEE ON ALASKA.

Dear Friends:

For your information and at your own request as a committee, the enclosed summary has been prepared covering actions pertaining to cooperation and assignment of territory in Alaska. The compiling of this summary has required considerable time, but it will be worth while if you will digest this background material before you come to the meeting of November 20 to discuss the present situation and possibilities of Christian missions in Alaska.

We enclose also a list of the present mission stations of constituent boards

At the last meeting of the Alaska Committee action was taken regarding a student ministry for Fairbanks, and a request was made that I should clear with the several boards to secure their interest and cooperation in this project. It was the unanimous judgment of the committee that it would be unfortunate for any one denomination to go forward with a student program. I would therefore appreciate very much hearing from you at your early convenience regarding your board's interest in this program, which would of course carry with it a proportionate share of the financial responsibility. The latter would have to be worked out when we have more details but it would not become a very large item for any one of the agencies.

You will keep in mind the meeting of the Alaska Committee on November 20, at 2:30 p.m., here at 297 Fourth Avenue, when we hope to be able to clear on a number of important items that have been held in abeyance for some time.

Yours cordially,

Mark A Dawber

P.S. - I am enclosing a copy of Dr. E. Stanley Jones' "Open Letter to the People of Alaska," which I am sure you will wish to read carefully.

ALASKA MISSIONS - 1945

(Figures beside names of towns indicate 1939 population)

Allakaket - Indian community 105

Protestant Episcopal	St. John's-in-the-Wilderness Church and School	Nurse Teacher

Alaska Highway

Presbyterian USA	Civilian chaplain living at Fairbanks has been ministering to the maintenance camps and small communities of whites from Fairbanks to Whitehorse. Also goes up and down the Alaska R.R. from Fairbanks to Anchorage and ministers to communities along the way.	

Angoon 342 (200)

Presbyterian U.S.A.	Church - lay-worker (Indian village)	

Anchorage 3,495

Church of God.	Church	minister.
Protestant Episcopal	All Saints' Church	Priest
Methodist	Church ~~(No building as yet)~~	Pastor
Presbyterian U.S.A.	Church - self-supporting Branch chapel in other end of town	Minister

Anvik 110

Protestant Episcopal	Christ Church Mission (priest also visits Bonazila, Shageluk, and Hologochakaket)	Priest Nurse

Auk Lake 77

Presbyterian USA	Chapel	Minister comes from Juneau

Barrow 363 700

Presbyterian USA Moravian	Church (Eskimo village) Bethel - Church	Eskimo layman(usually have a white minist center of work.

Buckland 115

Friends Presbyterian U.S.A.	Church College - Church	Native Pastor

Cordova - fishing village - pop. largely white 938

Prot. Episcopal	St. George's Mission (Priest also serves Valdez)	Priest
Presbyterian USA	Church	Minister -white

Craig 505

Presbyterian USA	Church - bi-racial community	White minister

Assembly of God
Church of Christ
Seventh Day Adventist.

	Deering 230	
Friends	Church	Native pastor(woman)
	Douglass 522	
Presbyterian USA	Bi-racial congregation worshipping in Episcopal church	Native pastor from Juneau
Methodist	~~Community center~~ church.	Pastor comes from Juneau
	Eagle 136	
Prot. Episcopal	St. Paul's Mission -White St. John's Mission -Indian	Priest Indian lay reader
	Eklutna 159	
Prot. Episcopal - Anchorage priest visits gov't school for native boys and girls		
Presby U.S.A.	Elephant Point	
Friends	Church	Pastor
	Excursion Inlet 23	
Presbyterian USA	No church, but con. served by pastor at Hoonah	
	Fairbanks 3,455	
Presbyterian USA	Church -self-supporting, and Eskimo Sunday School and church	White minister Young woman working among the students in college area
Prot. Episcopal	St. Matthew's Church	Priest
	Ft. Yukon 274	
Prot. Episcopal	St. Stephen's Mission (Priest also visits Circle -98, Beaver -88, Venetie -86, Fishhook Town -33, Arctic Village -24, and scattered camps along the Yukon and Porcupine Rivers. Hudson Stuck Memorial Hospital	White Priest Indian minister Staff of 8 and Indian young women assistants
	Haines - Indian Village 357	
Presbyterian USA	Church	White Minister
	Haines House, a boarding home for boys and girls, who come from S.E. Alaska and Bristol Bay. Enrollment - 48	Staff of 7

	Hoonah - Indian Village 716	
Presbyterian US.	Church	Indian Minister
	Hope 71	
Methodist	Church and community center	Local preacher-Woman
	Hydaburg - Indian Village -348	
Presbyterian US.	Church	White minister
	Juneau - 5,729	
Un. Lutheran	Church - almost self-supporting	Pastor
Methodist	Church	Pastor
Protestant Episcopal	Holy Trinity Mission	Priest
Presbyterian US.	Native Church	Native Minister
	Northern Light Church-white, self-supporting	White Minister
	Kake - Indian village - 419	
Presbyterian US.	Church	Indian lay worker
	Kasaan - Indian village -85	
Presbyterian US.	Mission	Woman worker
	Ketchikan - 4,695	
Methodist	Church - self-supporting	
	North End Chapel (assisted by thechurch)	Pastor
Protestant Episcopal	St. Elizabeth's Mission - Indian	Parish worker - woman
	St. John's Mission - White	To be appointed
Presbyterian US.	Church-largely native, with a number of whites-	White minister
	Kiana 167	
Friends	Church	Pastor
Protestant Episcopal	Church services	Priest comes from nearby parish
	Kivalina - 98	
Friends	Church	White pastor
Protestant Episcopal	Church services - occasional	Priest comes from Mt. Hope
	Klawock - Indian village 455	
Presbyterian US.	Church (Minister also serves Craig)	White Minister

Returns to: Board of Work in Alaska

	Klukwan - Indian village - 97	
Presbyterian USA	Church	Indian lay worker
	Kodiak - 864	
Northern Bapt.	Children's Home (3 cottages at Kodiak Staff of 9 and 1 at Ouzinkie -253)	
Church of God	Church church Kotzebue 372	Minister minister
Friends	Mission headquarters Church	Superintendent of mission
	Metlakahtla - Indian village -674	
Metlakahtla Christian Mission Church		Minister
Presbyterian USA	Church - Indian	White Minister
	Nenana 317	
Presbyterian USA	Church - used by Episcopalians	
Protestant Epsicopal	Boarding School for native children(35 or 40) Staff of 5 Church services in Pres. building (Priest visits Indians of Minto -135, Tolovana, and Kantishna River region)	
	Noatak 336	
Friends	Church	Native pastor
Prot. Episcopal	Church services - occasional	Priest comes from Pt. Hope
	Nome - 1,559	
~~Cong.~~ and Methodist	~~Federated~~ meth Church - white Lavinia Wallace Young Mission -native Hospital	Minister Future to be determined Staff of 4
	Noorvik -211	
Friends	Church	White pastor 2 native pastors
	Palmer - 150	
Presbyterian affiliation	United Protestant Church (Minister also serves Wasilla)-96)	White minister
Church of God Lutheran Mo Synod Catholic	Church Church	Minister minister

Relation of: Territories of Work in Alaska Board of National Missions

	Point Hope - 257	
Protestant Episcopal	St. Thomas' Mission -Eskimo (Priest visits Pt. Lay-117) Kivalina, Kotzebue, and Noatak)	Priest Supt. of building Lay reader
	Petersburg - 1,323	
Presbyterian USA Salvation Army Norwegian Lutheran Pentecostal ?	Church - Indian	Indian lay worker
	Pelican City - Indian village - 48	
Presbyterian USA	Vacation Bible School in 1945	
	Selawik -239	
Friends	Church	Native pastor
	Seldovia - 410	
Methodist	Church and social center (Pastor serves some outlying communities)	Pastor
	Seward - 949	
Methodist	Community Church Jesse Lee Home for children	Pastor Staff of 10
	General Hospital of Seward + T.B. Hosp. (operated by Woman's Division of Methodist Board)	Staff of 8
Protestant Episcopal	St. Peter's Mission	Priest
	Shungnak - 193	
Friends	Church	Native Pastor
	Sitka - 1,987	
Un. Lutheran	Church-Ministry includes the Scandinavian fishermen	Pastor
Presbyterian USA	Church - Bi-racial (self-supporting) Sheldon Jackson School (boarding high school and junior college) Enrollment about 140	Pastor has been called Staff of 21
Prot. Episcopal	St. Peter's-by-the-Sea	Priest
	Skagway - 634	
Presbyterian USA	Church	White minister
Protestant Episcopal	Church services - occasional	Priest from nearby parish

St. Lawrence Island

Presbyterian USA.	Churches at Gamboll and Savoonga	White minister Woman worker
	Saxman 111	
Presbyterian USA.	Church services	White minister from Ketchikan holds service
	Tanacross - 135	
Protestant Episcopal	St. Timothy's Mission (Priest also visits Healy Lake-77, Sand Creek, Mansfield, Tetlin -66, and Nabesna, or Northway)	Priest
	Tanana 245	
Prot. Episcopal	Mission of Our Saviour (two churches)	Priest Deaconess
	Unalaska - native community 298	
Methodist	Church	No pastor at present
	Unga - 152	
Methodist	Church	No pastor at present
	Valdez -529	
Congregational-Christian	Church	No pastor at present
Protestant Episcopal	Church of the Epiphany	Priest (also serves Cordova)
	Wainwright- Eskimo village -341	
Presbyterian USA.	Church	Eskimo Layman
	Wales - Eskimo village - 193	
Presbyterian USA	Church	Eskimo ordained leader
	Whittier	
Presbyterian USA.	Church services for community and lumber men	Ministers from Anchorage and Palmer share in this work
	Wrangell - 1,325	
Presbyterian USA.	Church -bi-racial (Minister also serves native youth in the government school - Wrangell Instituto)	White Minister
Prot. Episcopal	Church (Priest teaches in Wrangell Instituto) Hospital (owned by Church but operated by a Board of townspeopl	Priest

Southeastern Alaska Waters

Presbyterian US.	Mission boat, "The Princeton-Hall"	Missionary Assistant

*Some of information about Friends work is from 1943 report.

The Moravians have three main mission stations and an Orphanage-school, each the center of numerous outstations. Their work is exclusively among Eskimos within the Lower Kuskokwim Basin. They have begun work in McGrath and hope to start a new station in Bristol Bay region.

As opportunity offers, members of Protestant Episcopal staff hold services at the following outstations, in addition to several mentioned above:

Christian Village	Hot Springs	Rampart
Coschakakot	Hughes	Salmon River
Cut Off Village	Last Tetlin	Stevens Village

~~Yakutat~~ ~~300~~. Yakutat 300. ordained minister.
Mission Covenant (Lutheran)

ALASKA - COOPERATIVE ORGANIZATIONS

The Associated Evangelical Churches of Alaska

The following summary is from the 1929-30 files.

COOPERATION IN ALASKA

"On the initiative of Dr. S. Hall Young, who had proposed a United Church in Alaska, a conference, called by the Home Missions Council, was held November 7,1918, with seventeen persons present, which considered eight possible plans of cooperation. A sub-committee of thirteen was appointed to consider these plans.

"On November 21, 1918, eleven members of the committee met and discussed the various proposals, and decided to recommend the formation of "The Associated Evangelical Churches of Alaska": and appointed Messrs. L.C. Barnes, J.A. Marquis, and F. S. White, a sub-committee to formulate the plan.

"On December 24, 1918, the sub-committee presented the plan which was approved, and has since been adopted by the cooperating bodies.

"This plan, embodied in the report of the Committee on Comity and Cooperation of the Home Missions Council, was approved by the Home Missions Council at its Annual Meeting, January 16, 1919.

"Thereupon the Executive Secretary of the Home Missions Council submitted it to the Boards doing work in Alaska; and all of the Protestant churches now working in Alaska have, through their responsible Boards or representatives, approved the plan; and the following persons have been appointed to membership in the Central Committee: John A. Marquis, Presbyterian Church in the U.S.A.; Edward Laird Mills, Methodist Episcopal Church; John W. Wood, Protestant Episcopal Church; Mrs. George W. Coleman, Woman's Baptist Board; Charles E. Burton, Congregational Home Mission Society; Rodney W. Roundy, Congregational American Missionary Association; F. W. Burnham, Disciple; Bishop P.T. Rowe, Episcopal; Benjamin S. Coppock, Friend; Mrs. May L. Woodruff, Methodist Woman's Board; Marshall C. Allaben, Presbyterian Woman's Board.

"The Associated Evangelical Churches of Alaska.

I Name - The Associated Evangelical Churches of Alaska

II Membership - The missionary agencies engaged in religious work in Alaska may become members on consenting to the plan.

III Central Committee - A Central Committee, composed of one representative from each missionary agency, appointed in such manner as each agency may determine, and three members appointed by the Home Missions Council, shall have the following functions:

1. Hold a meeting at least annually at such time and place as may be designated by the committee.
2. Consider the work in the existing mission stations, and advise relative to extension or modification of work now in hand, and the allocation of responsibility, either as regards territory, or kind of work.
3. Consider the needs of Alaska as a whole, and make recommendations to the cooperating missionary agencies, as to the opening of new fields, and the planting of new churches or mission stations.

4. Advise the Boards in regard to appropriations, whether to increase the amount, or in some cases to decrease the amount appropriated.
5. Plan for greater efficiency of religious work in Alaska, and make recommendations to the bodies responsible therefor.
6. Promote in all ways possible the spirit of Christian fellowship, and Christian cooperation.
7. The convener of the first meeting of this Committee shall be the Executive Secretary of the Home Missions Council.

IV District Conventions - The Central Committee shall provide for the holding of conventions, at such intervals of time as may seem advisable, in areas and communities, as shall accommodate, if possible, representatives of all Christian bodies, that the Christian life and the feeling of Christian fellowship may be strengthened.

V Expense - Each missionary agency shall meet the expenses of its own representatives, whether appointed by itself, or on acceptance of appointment by the Home Missions Council. The general expenses of the Central Committee and of joint enterprises which may be authorized by the Central Committee, such as for example the maintenance of hospitals, shall be apportioned among the cooperating agencies in the ratio of their appropriations to Alaska, or as otherwise agreed upon.

The organization of the Associated Churches of Alaska functioned efficiently and satisfactorily for some years. The territory was allocated, special places and types of work were assigned to denominations, comity arrangements were agreed upon.

'In these ten denominations there were at that time 113 mission stations with 171 missionaries, conducted at an annual expense of $208,486 in addition to money contributed by people in Alaska.' There were six large areas unoccupied, three of which by mutual agreement were assigned to different denominations.

" The Disciples withdrew their work at the end of 1918.

" The Executive Secretary, Dr. Anthony, visited Alaska during 1924."

In the January, 1922 report of the Alaska Committee appears the following:

"The organization known as The Associated Evangelical Churches of Alaska, which was formed in 1912, is an ideal organization in the minds of denominational officials who administer missionary work in Alaska, but has not as yet made itself felt by the churches and the people on the field, owing to the fact that distances are so vast and the difficulties of travel so great."

United Christian Council of Alaska

This was incorporated in the state of Illinois, July 10, 1937. Its Board of Directors consists of representatives of the Methodist and Congregational Boards and of the Metlakahtla Mission. Board membership, however, is open to representatives from other Boards and their presence and cooperation will be welcomed.

The objects of the Council are "to act as the agent of benevolence, charitable, educational, religious and missionary societies and organizations desiring to unite and cooperate in rendering Christian service by means of evangelistic, educational, social and medical work among the peoples of Alaska, to carry on such work and to that end to receive and make use of such funds and other property, real and personal, as may be given to it by will or otherwise, or as may be transferred to it by deed, lease agreement or otherwise, by said Cooperating Bodies, or by any other body or person at any time, and from time to time."

At the January, 1939 Annual Meeting of the Councils they approved a recommendation of the Joint Committee on Alaska as follows:

> "That those Councils approve the organization of the United Christian Council of Alaska, recognizing it as a co-operative agency within the limits of the comity agreements approved by the Home Missions Council and the Council of Women for Home Missions, and as an administrative agency in those cases only where it is specifically appointed to such functions by a supporting board or boards; with the understanding that the Home Missions Councils assume no legal responsibility in connection with the United Christian Council as an incorporated body, and with the recommendation to the denominational boards having work in Alaska to give consideration to the desirability of local churches assuming the title of United Christian Church of Alaska."

United Protestant Conference of Southwest Alaska

Copy in folder on Alaska Com. minutes.

This was organized in Alaska on May 3, 1938. The conference was attended by representatives of the Methodist, Presbyterian, and Baptist denominations having work in western Alaska. The constitution and by-laws provide that all pastors and missionaries working in southwest Alaska may be members of the Conference. They made recommendations regarding the allocation of territory in southwest Alaska, generally along the lines of previous allocations. There is no record that the Joint Committee on Alaska took action on these recommendations.

December 28, 1938 - The Joint Committee on Alaska expressed approval of the organization of the United Protestant Conference of Southwest Alaska, but urged that it become an integral part of the United Christian Council of Alaska. It agreed that organization of a similar conference in southeastern Alaska should be encouraged but with the same understanding. (This recommendation was approved at the Annual Meeting of the Councils, January 6-10, 1939.)

At the March 18, 1944 meeting of Alaska Committee Dr. Davies summarized the history and purposes of the United Christian Council of Alaska and presented a statement on the status of Metlakahtla.

C
O
P
Y

Ketchikan, Alaska
September 29, 1945

An Open Letter to
the People of Alaska

Dear Friends:

I call you "Friends" because I have made many here. I came as a friend and I go as a better friend. I have become deeply interested in Alaska and Alaskans.

As I have been repeatedly asked what I think of Alaska I have said each time: "I'm making up my mind." Now on the eve of my departure I think I find it made up: Alaska is better - and worse, than I expected it to be.

First, it is better. I had not visualized the possibilities of Alaska until I saw it. The fishing industry I did not dream was so basic and so profitable. I saw a possibility that the inland climate could be conquered. At the air base in Fairbanks, a central heating plant supplied heat to all the various units with underground heated tunnels connecting them, so with the thermometer at 65° below men could move about in comfort. That could be applied to civilian life. Climate can be conquered. The coastal climate is mild except in the far north.

The beauty of Alaskan scenery is unsurpassed. I have traveled over the world, but nothing have I seen that surpasses the ever changing panorama of sky, mountain and sea. It is a paradise of beauty.

The culture of Alaskans surprised me. There are far more highly talented and cultured people than I had expected to find. I expected a frontier civilization to be rougher. The people in general are big hearted and generous.

With the coming of through air routes and greater facilities for land travel, Alaska is bound to be a land greatly sought out and visited and developed.

Alaska and Alaskans are better than I had expected - and worse. I find it the most exploited land I have ever seen. Everything is being taken out of Alaska and very little being put back in except by the Federal Government. Alaska is being drained by big corporations in mining and fishing. The valleys of Alaska are being left rock piles after the gold is taken out. The absentee owners get the large share of the profits and feel no responsibility for the development of Alaska. Banks for instance pay no city taxes in Anchorage, house owners do. Little remains inside the country. The same with the fishing industry which is in the hands of large corporations and which is more profitable than gold mining.

What is left inside the country in the form of wages and small businesses is being either taken back to the States as soon as possible, or it is being poured down the rat holes of the liquor shops. Alaska is spending a greater proportion of her income in liquor than any other place in the world. As a consequence Alaska has produced more wealth and has less to show for it than any other situation on earth. By the amount of wealth produced you would expect flourishing, beautiful cities. Outside of the Federal Buildings and a few hotels and business places the rest are a deep disappointment. Shacks rent at enormous prices. The civilization of Alaska is shackled by liquor interests. They moved in behind the miners, the fishermen and the trappers. They mined the miners, seined the pockets of the seiners and

trapped the trappers. And they now control the civilization of Alaska. Legitimate business is cowed by the liquor interests and maintains a conspiracy of silence, and yet legitimate business pays the bills of this incubus, for what goes into liquor comes out of legitimate business - less for groceries, clothes, houses, civic improvements.

And what is the liquor bill of Alaska? It is not easy to get at the facts for Alaska is very sensitive to a revelation of the facts. That sensitiveness is a sign of an uneasy conscience. But I am assured that the facts are these: Alaska consumes $15.00 per person per week for liquor. Apply that to the city of Ketchikan where I write this. It would mean $4,950,000 expenditure for the 6000 inhabitants. I am told by reliable government authority that this is $500,000 short of the actual amount. It would be about $5,500,000.

But this is not all the expenditure. For to this $5,500,000 spent through the licensed houses must be added the great amount spent through bootleggers. These bootleggers, who abound, can take out a Federal license for $27.00 per year and thus purchase immunity from the Federal authorities who will probably give jail sentences for violation. Then the bootleggers take their chances with the local authorities who will probably impose only a fine or can be bought off. The number of Federal licenses is 606 while the number of Territorial licenses is 455. The difference, 151, represents the bootleggers who have taken the precaution of taking out a Federal license. But many bootleggers do not want to take out a Federal license for to do so stamps them as a bootlegger though Federally legal. So the bootleggers are far more than the 151. Even many taxicabs have Federal licenses. So another $500,000 at the very least, must be added to make a total of $6,000,000 for Ketchikan. The property valuation of Ketchikan is nine and one third millions. So in about a year and a half the whole of Ketchikan is devoured. You could rebuild Ketchikan every year and a half by the amount poured into liquor. Any civilization that pours that much of its income into non-productive channels, and worse than non-productive, is a shackled civilization and will always be a cripple until it throws off this incubus.

The city of Ketchikan spends at least $6,000,000 a year for liquor and its school budget is $130,000. Only the main streets are paved and even the principal main street is not paved past the docks - a series of mud holes when it rains.

If the reply is made that this expenditure is caused by the tourist traffic, the answer is that the cities in which there is little or no tourist traffic have about the same rate of consumption. Fairbanks has 43 liquor shops for 6000 people; Anchorage, 63 for 12,000; Juneau, 57 for 7500; and Ketchikan has 42 for 6000. No place on earth has such a number of liquor shops in proportion to population - one for about every 150 people. Add to that the bootleggers.

All the propaganda for Alaska hides this sore spot. I have seen no pictures of Alaska going out from Chambers of Commerce, etc., which depict a liquor shop in it - Federal buildings, schools, hotels, churches, business houses, but no liquor shops. I did see one stuck in among other pictures, but it was empty and innocent looking. And yet when you walk on Alaskan streets it's the one thing that strikes you in the face. Joe Brown, the comedian, speaking over the radio said, "Anchorage is the biggest saloon I've ever seen." And he could have said the same of every city in Alaska. Nome is called "The Esquimos Hell", made that way by the white man's liquor.

Speaking of native peoples, the brightest spot in Alaska is Metlakatla, where there is a colony of natives, cultured, progressive, prosperous. Reason? No white man, except the missionaries, Government officials and school teachers, is allowed to

stay over night on the island without permission. The only serpents in this paradise are the liquor which the natives get when they go to Ketchikan and the venereal diseases they also get from outside contacts. The unprotected natives in other parts are sodden with liquor.

What does Alaska need? Five things as I see it. 1st - Statehood, 2nd - Population, 3rd - Road communications, 4th - A sense of corporate responsibility, 5th - A moral and spiritual basis for her life. Perhaps the last two should have been put first.

There is a lack of corporate responsibility. There is too much individualism that wants to get as much as possible and to get out as quickly as possible with no sense of local responsibility for the community. "To h__ with the community", was the way one resident put it. China's downfall was caused by a phrase, "it's not on my body"_ it's not my responsibility. It expressed an attitude. But what was nobody's responsibility was everybody's calamity. For if you don't take it on your body as responsibility it will be on everybody's body as calamity. China began to go up when a few people began to take it on their bodies as their responsibility.

The same thing will happen in Alaska. A few determined, dedicated people with courage and positive attitudes can change Alaska. You have everything here for a great civilization - everything except a moral and spiritual basis for your civilization. Given that and you can go anywhere.

Alaska needs population - 35,000 white people and 35,000 natives in this vast land is pitifully small. But Alaska will not get population until she sets her house in order. The kind of population that builds a nation - settled families with children - is not going to be attracted, if the parents know that their children will have to run the gauntlet of a liquor shop bidding for them at every step.

Alaska needs statehood where she can deal with her problems herself instead of appealing to the Federal Government at every turn. But Alaska does not now demonstrate her capacity for statehood. She will when she shows a sense of corporate responsibility and a moral sense which will clean out the parasites upon her life. Let her begin by having Territorial control of the liquor traffic.

Have I been harsh? I have, because as an American citizen and as a Christian I care. For this is a part of my America.

Alaska is better, and worse than I expected. Better, because of the fine intelligent people here; worse, because these same fine, intelligent people are allowing conditions to exist which they could change if they should unite and decide to change them. And I believe the people are ripe for change. All each community needs is local leadership. The leadership is there.

Tucson, Arizona, was a frontier town with gambling, drink and prostitution rampant. Citizens got together and formed a Committee of One Hundred, selected their Mayor and City Council, put them in. The mayor has held office for twenty years, and has changed the town from a festering place to a cultured, progressive, beautiful city of whom everyone is proud, one of the finest cities of the West. The Committee of One Hundred stood behind him in every situation.

The same thing could be done in every city in Alaska with the same result. Then every American everywhere would be proud of Alaska. Now? We're proud - in spots! In general we are deeply ashamed that after these years in Alaska we Americans have done no more with it than we have.

Your friend,

(Signed) E. Stanley Jones

COMITY IN ALASKA

The following from a book by Robert Laird Stewart entitled SHELDON JACKSON (Fleming H. Revell, 1908) describes the early agreement relative to division of work in Alaska:

As far back as the year 1880, when as yet his own church was the only one that actually occupied the field, a meeting of the representatives of several prominent denominations was called at his instigation, in New York City, with the approval of the senior secretary of the board, to discuss the situation, and, if the way should be clear, to map out and apportion the field. Referring to this event, which marked a new departure in the adjustment of home mission work, Dr. Henry M. Field says: -

"A peculiar beauty was given to the early missions in Alaska, in the way that different denominations entered the field and worked together. This harmony was not a happy accident, but the result of forethought, and of a purpose so high that it lifted them all above sectarian pride and ambition. The field was so vast that it would have been impossible even to touch it at different points, except by concert of action, in which each division in the little missionary army should select its particular field of labour on the islands or the coast. This was the policy of Sheldon Jackson, in which he found a strong supporter in Dr. Henry Kendall, the secretary of the Presbyterian Board of Home Missions, who invited the Methodists and the Baptists and the Episcopalians represented by their secretaries, Dr. John M. Reid, Dr. Henry M. Morehouse, and Dr. Alvi Tabor Twing, to meet together and talk it over. Dr. Twing could not be present, but joined heartily in the proposed agreement. The others came, but it was a small affair in outward appearance--only three secretaries and Sheldon Jackson, just enough to sit round a table; but this little company, meeting in an upper room, was sufficient to inaugurate a policy of peace, that, if adopted on a larger scale, would work for the benefit of all Christians.

"And now I see these four heads bending over the little table, on which Sheldon Jackson has spread out a map of Alaska. For the first time they see its tremendous proportions, as it reaches over many degrees of longitude and far up into the Arctic circle. The allotment was made in perfect harmony. As the Presbyterians had been the first to enter Southeastern Alaska, all agreed that they should retain it, untroubled by any intrusion. By the same rule, the Episcopalians were to keep the valley of the Yukon, where the Church of England, following the track of the Hudson Bay Company, had planted its missions forty years before. The island of Kodiak, with the adjoining region of Cook's Inlet, made a generous portion for the Baptist brethren; while to the Methodists were assigned the Aleutian and Shumagin Islands. The Moravians were to pitch their tents in the interior--in the valleys of the Kusko Kwim and the Nushkagak; while the Congregationalists mounted higher to the Cape Prince of Wales, on the American side of Bering Strait; and, last of all, as nobody else would take it, the Presbyterians went to Point Barrow, in latitude seventy-two degrees and twenty-three minutes, the most northern mission station in the world. Thus, in the military assignment of posts to be held, the stout-hearted Presbyterians at once led the advance, and brought up the rear in a climate where the thermometer was at times sixty-five to seventy degrees below zero--a situation that called for no ordinary amount of 'grit and grace.'

"Here was an ideal distribution of the missionary force, in which there was no sacrifice of principle, but an overflow of Christian love, which seemed to come as a baptism from on high. It was not in pride or scorn, but in the truest love, that these soldiers of the Cross turned to the right and the left, at the command of their great leader, and marched to their several positions of duty and danger." (OUR WESTERN ARCHIPELAGO, Dr. Field, p.145)

At the November 17, 1919 meeting of the Central Committee on Alaska, actions were taken on the following places:

(1) Methodist and Presbyterians requested to consider uniting their work for white people at Fairbanks and at Skagway.

(2) Presbyterians requested to undertake work (a) around Bristol Bay, notably at Nushagak; (b) on Nunivak Island and Nelson Island; (c) reinforce their work at Point Barrow.

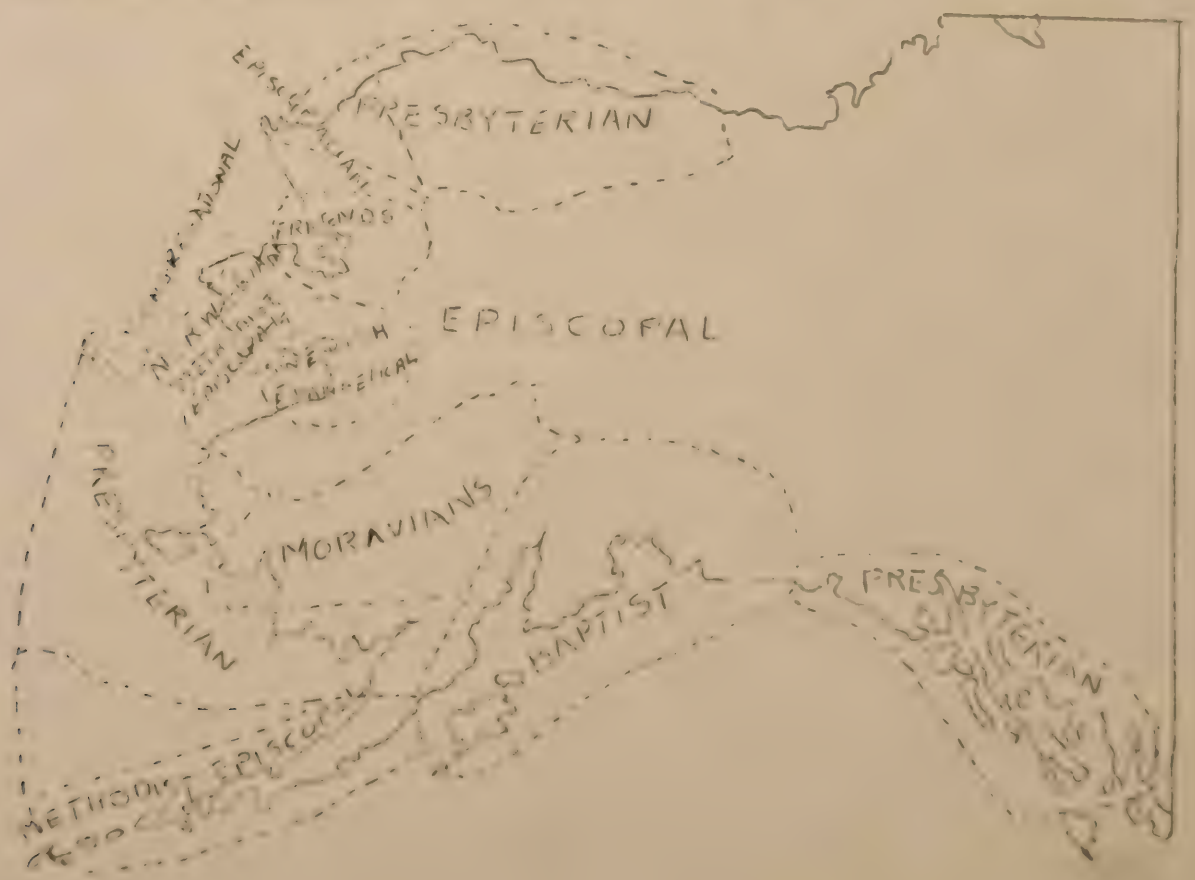
(3) Conference to be arranged between the Methodist Home Mission Board, the Methodist Women's Board, and the Presbyterian Board, respecting the establishment of a mission on the Pribaloff Islands.

(4) Suggested that the Association of Evangelical Churches care for work at Shishmareff and on Little Diomede Island; in case they cannot do so, that the work at these places be referred to the Norwegian Lutherans.

(5) Executive Secretary was requested to arrange a conference between Bishop E.T. Rowe of the Episcopal Diocese, and Benjamin S. Coppock of the California Friends, to consider an adjustment of territory and prevention of overlapping in the valley of the Noatak River, in the Kobuk Valley, and at Kivolina.

(6) Emphasis was placed on the importance of the Baptists' undertaking work among the natives in the territory previously assigned, namely the region from Mt. St. Elias to Kodiak, including the Copper River Valley, the region about Prince William Sound and the Cook's Inlet Country, including the Susitna Valley; and also Kenai Peninsula and the region about Kodiak Island.

The attached map, published in January, 1920, shows the allocations made in 1919 - evidently at the November 17th meeting: (a 1920 reference to this map seems to indicate it covered work among natives)



No. 6 on the preceding page was reconsidered on November 4, 1930, as several denominations were working with white people in this section and a conference of the six boards involved was requested.

On December 16, 1920, the following action was taken in regard to the Kenai Peninsula:

Ask the Domestic & Foreign Missionary Society of the Protestant Episcopal Church to take charge of work for natives about Prince William Sound;

Ask Board of Home Missions of Presbyterian Church U.S.A. to take charge of work for natives about Cooks Inlet;

Request the American Baptist Woman's Missionary Society to continue its work for the present on Wood Island.

Correspondence in April 1921 indicated that the Presbyterians could not undertake the work along Cooks Inlet, but that Methodists were willing to do so.

At the annual meeting of the Home Missions Council, January 13-15, 1920, Dr. deSchweinitz, chairman of the Central Committee on Alaska, stated as follows: "The recognition of zones of influence and responsibility fixed several years ago has been confirmed; and each denomination is asked specifically to appraise the value and efficiency of its own work in its territory, and to seek a coordination of its work with that of other bodies, calling in, when needed, a cooperative assistance of other bodies." (There does not appear to be in any of the reports of the years prior to this detailed statement concerning geographical boundaries allocated to individual denominations, but simply the map published in January, 1920.)

There were no reports of an Alaska Committee in the annual meetings of 1925, 1926, 1928 and 1929, and by end of period it was not listed among committees of the Councils.

Growing out of December 31, 1929, meeting to consider closer coordination of Alaskan missions, in 1930 the HMC and CWHM voted to set up a joint committee on Alaska, and this was convened on March 11, 1930. The following is from the March 11 minutes:

"Dr. Montgomery told about the formulation of comity arrangements in 1918 and the attempt to set up The Associated Evangelical Churches of Alaska. With the aid of a map, Dr. Montgomery rapidly outlined some allocations of denominations in Alaska:

"Skagway (The Alaska of the tourist) Mission work inaugurated by Presbyterians 50 years ago - all native work in southeastern Alaska in charge of Presbyterians.
Along Yukon River in interior of Alaska (Anvik, etc.) - Protestant Episcopal
West District, along lower Kuskokwim River, Bay and Bering Sea - Moravian
Nome - Hospital of Woman's Society, Methodist Episcopal; the Federated Church of the Methodists and Congregationalists in city of Nome
Bristol Bay section - one of the most vicious centers, where canners come in for short season and where no church work is being done
Cape Prince of Wales - Presbyterian
Kotzebue Bay country - Friends
Point Hope - Protestant Episcopal
Wainwright, Point Barrow, as far East as Demarcation Pt. - Presbyterian
Unilaska - Methodist Episcopal
Kodiak - Woman's Baptist Society
Juneau, Douglas, Ketchikan - Lutheran
Teller - Lutheran "

The minutes of the Joint Committee on Alaska, February 2, 1931, contain the following:

"VOTED to approve the plan of cooperation suggested between these three denominations, namely, Presbyterian, Methodist, Congregational and the reallocation of territory between them, as follows: a proposal involving the withdrawal of the Methodists from Nome and from Juneau and in exchange therefor the Presbyterian withdrawal from Anchorage and from Ketchikan, which would continue the Federated Church (now Methodist and Congregational) as Presbyterian and Congregational, with the understanding that the committee looks forward to cooperation on the part of all denominations working in this territory."

May 20, 1931: Dr. Montgomery of the Presbyterian Board reported to the Methodist Board that the local Presbyteries in Alaska did not think that the time was ripe for these transfers.

February 2, 1931:

"VOTED to approve a united program at state institutions such as student pastors, as well as types of new work that may eventuate." (Correspondence indicates there was a question as to whether this belonged to University Committee.)

From April 6, 1933 minutes of Joint Committee on Alaska:

"VOTED to allocate to the Methodist Episcopal Church, in addition to the present functioning Methodist Episcopal centers in Alaska, the Cook Inlet and Alaska peninsula regions extending southwest from the mouth of Cook Inlet and Seldovia, with the exception of Kodiak Island, already allocated to the Northern Baptist denomination and other points already occupied by other denominations."

April 22, 1935 - Allocation of Matanuska Valley to the Presbyterian Church, U.S.A., with understanding that when a church is organized it is to be a community church.

At the Annual Meeting of the Councils, January, 1937, Auk Lake community about twelve miles from Juneau, was allocated to the Presbyterian Church, U.S.A.

Comity statement from meeting at Seward - May, 1938.

A March 13, 1940, letter from Gust E. Johnson of the Evangelical Mission Covenent Church of America describes their work in northern Alaska around the Seward Peninsula. They had 5 white and three native missionaries there. They had established work in southeastern Alaska in the early days among the Thirklet Indians. They were considering asking the Presbyterian Church to take over some of their work in southeast Alaska.

At the October 23, 1941 meeting of the Joint Committee on Alaska, Dr. Everett King reported on a recent trip to Alaska, and made the following recommendation concerning Metlakahtla:

"While the Council notes with appreciation, the cordial spirit existing between the two pastors, it recommends that the two churches cultivate cooperative activities for a definite period of time with the purpose of finally merging." (No action on this recorded)

The Alaska Committee "approved of having the Executive Secretary of the Council communicate with agencies involved in this situation: - the Co-trustees of the William Duncan Trust, and the Presbyterian Board of National Missions."

In the November 20, 1942 minutes of the Joint Committee on Alaska, is the following:

"In the light of the several recent actions of denominational Boards relative to their desire to achieve greater unity in Alaska, the Committee requests the reconsideration of the total comity situation in Alaska, having special regard to the possibility of the United Christian Council of Alaska becoming a more representative agency of the mission Boards."

On December 7, 1942, a meeting was called "to discuss the greater unity of Alaska work of mission Boards of the Home Missions Council and the United Christian Council of Alaska and the Metlakahtla Mission. After discussion it was decided that the best plan for the present was to include the representatives of the United Christian Council of Alaska and the Metlakahtla Mission in the Alaska Committee of the Home Missions Council for counsel and discussion of comity and cooperation."

April 16, 1943:

"Memorandum of conversation between Drs. Kohlstedt, King, and Dawber, relative to Alaska, April 16, 1943.

"Mr. Dawber reported on information received relative to the new highway which was discussed at Cleveland in December. The following were agreed upon:

That in the light of this information we suggest that the Church of England in Canada, and the United Church of Canada, assume responsibility for religious work on the highway on the Canadian side.

That the Presbyterian Church U.S.A. assume responsibility for the work from Fairbanks to Tanana.

That the Protestant Epsicopal Church assume responsibility from Tanana to Haycock or the point nearest to Haycock through which the highway will pass.

That the Methodists and Congregationalists assume responsibility from Haycock to Nome.

That if cooperation is necessary from other denominations, it will be considered on request of those agencies to whom the assignments have been made."

August 31, 1943 minutes confirm fact that allocation in Ketchikan was white church to the Methodists and the Indian work to the Presbyterians. The question of the Methodists' opening work in Anchorage was discussed, but all denominations contemplating expansion were requested to hold steady until the Executive Secretary had visited Alaska and a thorough study had been made of existing comity principles.

At the January 10, 1944 meeting of the Committee on Alaska, it was reported that the Presbyterian Church in Ketchikan is biracial, also that the Southern Baptists had opened work at Anchorage, where the Methodists were hoping to establish a church but by mutual agreement with other denominations. An impartial survey of the entire Alaska field was proposed, to be made in 1944.

March 15, 1944 summary by Dr. Davies refers to Methodist Ketchikan church as biracial.

At the June 2, 1944 meeting it was decided that the survey would have to be postponed until 1945, when it was hoped that representatives of several boards could go together to Alaska.

Also on June 2, 1944 it was suggested that a committee of seven persons in Alaska be set up to review comity situation at Anchorage, where Methodists wish to establish a church.

The Committee on Alaska on September 22, 1944, named the chairman (Dr.Tripp), Dr. Jackman, and the Executive Secretary as a Committee on Survey. The year 1945 was proposed for the visit by board representatives.

On December 20, 1944, Drs. Tripp, Jackman, Lokey were requested to serve as a special committee on plans for the visit and the making of the studies.

Some of the Alaska Committee members met on February 21, 1945. "After serious consideration of all the problems involved it was agreed not to try to arrange a joint visit to Alaska in April, but to ask those who are planning to visit Alaska in the interests of their own mission boards to prepare a report of their observations and suggestions for the purpose of a pooling of ideas and information, and to deposit a copy of such a report with the Home Missions Council."

At the June 27, 1945 meeting it was agreed that the Congregationalists and Methodists would share jointly in the church program at Nome. Possibility of joint program of student work at Fairbanks was mentioned. Presbyterians agreed that the Methodists might start church at Fairbanks."

United States Senate

COMMITTEE ON APPROPRIATIONS

May 7, 1947

Mr. J. Earl Jackman
Presbyterian Board of National Missions
New York 10, New York

Dear Mr. Jackman:

Your willingness to appear before the Interior subcommittee relative to appropriations for the Alaska native service budget has been called to the attention of Mr. C. H. Tolbert, Assistant Committee Clerk. He will communicate with you further.

Under the Reorganization Act, you are required to file a written statement in advance of your proposed testimony, and your oral presentation will be limited to a brief summary of your argument.

Cordially yours,

Kenneth S. Wherry

KENNETH S. WHERRY
Nebraska

KSW:vvc*

United States Senate

COMMITTEE ON APPROPRIATIONS

MAY 19 1947

ALASKA
PERM. FILE

May 16, 1947

Mr. J. Earl Jackman
Presbyterian Board of National
Missions
New York 10, New York

Dear Mr. Jackman:

With reference to your request to be heard on the Interior Department Appropriation Bill, I am writing to say that in view of the very large number of requests to be heard from individuals and organizations, the Subcommittee finds it is not possible to list further requests for Hearings.

If, however, you will send to the Committee a written statement, it will be placed in the record, and should you wish to file such statement, please send it to the Committee within the next week to make sure that it reaches here in time for printing.

Yours very truly,

Everard H. Smith

Everard H. Smith
Clerk

EHS:j

5/19/1947 FK Phoned Dr. Dawber's office but he had not received any letter as yet. Miss Gripman did not know whether Dr. Dawber would want to do anything further along this line. She will pass the word along to Dr. Dawber.

STYLES BRIDGES, N. H., CHAIRMAN

CHAN GURNEY, S. DAK.
C. WAYLAND BROOKS, ILL.
LISTER HILL, ALA.
JOSEPH H. BALL, MINN.
HOMER FERGUSON, MICH.
KENNETH S. WHERRY, NEBR.
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WILLIAM F. KNOWLAND, CALIF.
HENRY C. DWORSHAK, IDAHO

KENNETH MCKELLAR, TENN.
CARL HAYDEN, ARIZ.
ELMER THOMAS, OKLA.
MILLARD E. TYDINGS, MD.
RICHARD B. RUSSELL, GA.
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JOHN H. OVERTON, LA.
JOSEPH C. O'MAHONEY, WYO.
THEODORE FRANCIS GREEN, R. I.

EVERARD H. SMITH, CLERK
CECIL H. TOLBERT, ASST. CLERK

United States Senate

COMMITTEE ON APPROPRIATIONS

ALASKA
PERM. FILE

20 May 1947

Dear Mr. Jackman:

As a member of the Senate Appropriations Subcommittee presently considering the Interior Department Appropriation Bill for the fiscal year 1948, I was pleased to have the information contained in the letter signed by you and others.

You may be assured that my careful study is being given to each phase of this legislation.

Sincerely yours,

William F. Knowland
United States Senator

Mr. J. Earl Jackman
Home Missions Council of
North America, Inc.
297 Fourth Avenue
New York 10, New York

Passed Senate without a dissenting Vote 7/21/47 - Now in Senate

Received 7/1947

Congress 80th Congress 1st Session

H. R. 4059 - The Lemke Bill

H. R. 4060 - Peden Bill

(companion Bills)

IN THE HOUSE OF REPRESENTATIVES

JULY 1, 1947

Mr. PEDEN introduced the following bill; which was referred to the Committee on Public Lands

A BILL

To provide for the settlement of certain parts of Alaska by war veterans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the national interest requires the settlement and development of Alaska in order to make possible the full utilization of its resources and to further the national security by providing in the area a firm foundation of permanent residents. The national interest also requires that land be made available to veterans who desire to undertake the development of virgin territory in order to secure land for themselves and their families and that such undertakings be encouraged to an extent commensurate with their value to the Nation.

Because of the remoteness and climatic conditions of Alaska, settlement there involves greater expenses, financial risks, and physical hardships than does settlement in other parts of the United States. Large-scale settlement of the Territory requires a greater inducement to the pioneer settlement than exists at present. This Act is designated to provide the necessary inducement in the form of enlarged homesteads, while making certain that there will be a minimum of Government interference in the development of the land. This Act shall be cited as the "Alaska Veterans' Homesteading Act of 1947".

TITLE I—DEFINITIONS

SEC. 101. As used in this Act, the term "veteran" means any person who served in the armed forces of the United States during any war between the United States and any other nation, and who has been discharged or released therefrom under any conditions other than dishonorable.

TITLE II—AREA

SEC. 201. (a) Except for public lands excluded under subsection (b), public lands in the following parts of the Territory of Alaska shall be made available for settlement by veterans, notwithstanding any provision of law or regulation to the contrary:

(1) That part of the Territory of Alaska known

as the Panhandle, lying south of latitude sixty degrees, thirty minutes north, and east of longitude one hundred and forty-one degrees west.

(2) That part of continental Alaska lying south of latitude sixty-three degrees north, and east of longitude one hundred and fifty-four degrees west, and south of latitude sixty-two degrees north, and longitude one hundred and sixty-seven degrees thirty minutes west.

(3) Such islands, not including Unalaska and Umnak, as lie within two hundred miles offshore of the continental area designated in paragraph (2).

(4) Areas on either side of the Alaska Highway for a distance of thirty miles.

(5) Areas on either side of the Richardson Highway in south central Alaska, from latitude sixty-three degrees north to its junction with the Alaska Highway at the village of Big Delta, for a distance of thirty miles.

(6) Areas on either side of the Alaska Railroad from latitude sixty-three degrees north to Fairbanks, Alaska, for a distance of thirty miles.

(b) The following public lands, as existing on June 1, 1947, in the Territory of Alaska, are excluded from settlement under this Act:

(1) National parks and monuments.

(2) Military and naval installations.

(3) Town sites.

(4) Patented lands.

(5) Certain areas already designated in detail as reserves of spruce timber necessary for national defense.

(6) Areas set apart for the support of an agricultural and mechanical college (U. S. C., 1940 edition, title 48, secs. 353, 354, and 354a).

(7) The Annette Island reservation for Metlakahtla Indians.

(8) Lands embraced in a coal, oil, or gas lease.

(9) Administrative sites.

(10) Airfields.

(11) Cemeteries and land reserved for cemeteries.

(12) Areas classified in aid of legislation.

(13) Lands reserved for the Veterans' Administration, the Coast and Geodetic Survey, the Bureau of Customs, the Public Health Service, and the Alaska Road Commission.

(14) Lands reserved for the support of common schools.

(15) Lands reserved for flood and fire control, and for lighthouse, dock, and power purposes.

(16) Reservations for fish and wildlife preservation.

(17) Native reservations.

(18) Lands set aside for springs, water supply, and water-supply protection.

(19) Lands whose title is controlled and protected by title V.

TITLE III—HOMESTEAD PROVISIONS

SEC. 301. (a) That there is hereby created the Veterans Alaska Homestead Claim which shall be not less than three hundred and twenty acres, and may be of any size up to and including one thousand nine hundred and twenty acres; such size being determined by the Secretary of the Interior, taking into account the type of land, location, and various uses therefor in order that the claim shall be a unit sufficient to support a family of seven on an American standard of living: *Provided, however,* That if such claim is timberland that not more than one-tenth of such timber shall be cleared, and that the remainder be maintained on a sustained-yield basis.

(b) Such homestead claims, for the convenience of the veteran, shall be classified and designated as agricultural, fur farming, grazing, timber, or mixed agricultural, fur farming, grazing, and timber, and may be located on islands, as well as on the mainland. Each such homestead shall be of a potentiality, or a composite potentiality, to support such family on such a standard.

SEC. 302. (a) To make final proof of claim, a veteran must have actually resided upon the land for three years: *Provided*, That each day of active duty in the armed forces served by a veteran shall, up to and including two years, be accepted in full satisfaction of the residence requirement for such two years.

Any veteran otherwise eligible, who shall have been discharged on account of wounds received or disability incurred in the line of duty, shall be credited with two years constructive service for purposes of this subsection.

(b) To make final proof a veteran must satisfy the Secretary of the Interior, or his duly authorized agents, that the following conditions have been met:

(1) That such claim has a habitable dwelling suitable for year-round occupancy.

(2) That the veteran is and has been living upon the land, pursuant to the terms of this act, and holds same for his own beneficial interest.

(3) That he is deriving some part of his income, or an amount equivalent to some part of an income necessary to live on such land, from the claim.

SEC. 303. (a) Upon final proof of claim by a veteran, the Secretary of the Interior shall, on behalf of the United States, issue a patent to the land comprising such claim.

Such patent shall be issued under the following express conditions:

(1) That during a five-year period which begins with the date on which the patent is issued, no part of the land covered by such patent shall be alienated except by devise, descent, tax sale, or transfer authorized under section 2288 of the Revised Statutes, as amended (U. S. C., 1940 edition, title 43, sec. 174).

(2) That during such five-year period no part of the land covered by such patent shall be leased, except in the following instances:

(A) To a person qualified to a claim under this Act.

(B) To a person, as tenant, who shall live on the land for the bona fide purposes of making a livelihood from such land.

(C) To anyone, where there is express consent by the Secretary of the Interior, it being the intent of Congress that any lease so approved will be for the further development of the resources and to encourage settlement.

(3) That the forestry practices of the Department of Agriculture requiring that all timberland be maintained on a sustained-yield basis shall be continued in perpetuity: *Provided, however*, That the Secretary of

the Interior may, in his discretion, except a portion of the patented land from the sustained-yield perpetuity clause, when in his judgment such action will not endanger the Alaskan forests.

(4) Upon judicial determination that any of the conditions of subsection (3) has been broken, the United States shall have the right to reenter that part of the claim with respect to which the condition was broken.

SEC. 304. Nothing in this Act shall be held to restrict the right of the United States to exercise eminent domain over any claims however fully perfected.

TITLE IV—ADMINISTRATIVE PROVISIONS

SEC. 401. (a) The Secretary of the Interior is authorized and directed to cause to be made comprehensive surveys of the lands made available for the veterans' homesteads by section 201: *Provided, however,* That nothing in this subsection shall prevent a veteran from entering upon land available for settlement under the provisions of this Act prior to the surveying of such land.

(b) Lands in the following areas shall be among the first to be surveyed and made available for veteran settlement in the order to be determined by the Secretary of the Interior: (1) the Portland Canal-Cape Fox-Duke Island area; (2) the Kenai Peninsula; (3) the area along the

Alaska highway; (4) the Cholmondeley Sound, Moira Sound, and Kasaan areas of Prince of Wales Island; (5) Kodiak Island; (6) the area along the Richardson Highway; (7) the Cleveland Peninsula; (8) the area along the Alaska Railroad; (9) the area in the vicinity of Lisianski Inlet; (10) Afognak Island; (11) the Craig area of Prince of Wales Island; (12) the area in the vicinity of Prince William Sound; (13) Etolin Island; (14) the area in the vicinity of Tenakee Inlet and Peril Strait; (15) the Alaska Peninsula east of longitude one hundred and fifty-eight degrees west; and (16) such areas along the lower reaches of the Tanana River as may be recommended by the General Land Office of the Department of the Interior.

(c) The normal practice of limiting entry to claims in rectangular shape shall be followed where practicable, except that whenever in the discretion of the Secretary of the Interior it becomes advisable to depart from this procedure in the interest of giving the veteran's claim access to water for transportation, agricultural, domestic, or other purposes, or because of the configuration of the terrain, the boundary and form of claims under this Act may be adjusted for the individual veteran to provide such access to water.

SEC. 402. (a) The Secretary of the Interior is authorized to provide necessary personnel and prescribe rules and regulations to carry this Act into effect, it being the intent

of Congress to develop the natural resources, encourage land settlement in Alaska, and discourage speculation in public lands.

(b) The Secretary of the Interior is authorized and directed to furnish to qualified veterans, at cost, copies of the results of the surveys made.

(c) The Secretary of the Interior is authorized and directed to utilize the Fish and Wildlife Service to establish a system of registering those trap lines which originate on land on which entries have been made, or patents issued, pursuant to this Act.

TITLE V—REGISTRY OF TITLE

SEC. 501. Nothing in this Act shall be held to authorize the making of an entry by any person upon land (a) listed by the Bureau of Land Management as in occupancy under this or some other homestead provision of law; (b) listed by the appropriate United States commissioner as occupied, pending ripening of title; and (c) listed as owned and registered under the provisions of an Act of the Legislature of the Territory of Alaska entitled "An Act to require declaration of the ownership of land, to impose a penalty for noncompliance, and to dispose of the proceeds of such penalties", approved March 24, 1945.

SEC. 502. Upon completion of entry and passage of title from the United States to the veteran, the veteran shall

comply with the provisions of such Territorial Act of March 24, 1945.

TITLE VI—LOANS

SEC. 601. Upon application by any veteran who has made homestead entry under the provisions of this Act, the Reconstruction Finance Corporation may make to such veteran such a loan or loans as will be guaranteed under the provisions of title III of the Servicemen's Readjustment Act of 1944, as amended.

SEC. 602. Notwithstanding the requirement of title III of the Servicemen's Readjustment Act of 1944, as amended, that certain real-estate loans be secured by a first lien on the realty, such requirement shall be satisfied in the case of any loan made pursuant to section 601 in respect of land on which entry has been made pursuant to the provisions of this Act if the loan is secured by a lien on the improvements on such land and by a lien on the personalty of the veteran to the extent legal and practicable.

TITLE VII—MISCELLANEOUS

SEC. 701. The Administrator of Veterans' Affairs shall, upon the request of the Secretary of the Interior, inform such Secretary whether or not any person who has made application for a claim or has stated in writing his intention to make such application qualifies as a veteran under the provisions of section 101.

SEC. 702. (a) Nothing in this act (other than the provisions of section 501) shall prevent any person qualified under the provisions of any other homestead laws from (1) making entry, (2) making final proof, or (3) receiving a patent with respect to any public land made available for settlement by section 201, upon compliance with such other law.

(b) Any veteran who, pursuant to the provisions of some other homestead law, has made or shall make entry, or has received or shall receive a patent, with respect to land in any part of the Territory of Alaska in which public land is made available for settlement by section 201, shall, upon compliance with the provisions of this Act, be entitled to make entry upon and, upon final proof, to receive patent to, such additional public land in the vicinity of his original claim as will not, when added to the acreage of such original claim, exceed the relevant maximum acreage established in section 301.

SEC. 703. The first sentence of section 500 (a) of the Servicemen's Readjustment Act of 1944, as amended, is amended by striking out "incurred in service in line of duty, shall be eligible for the benefits of this title" and inserting in lieu thereof "incurred in service in line of duty, and any person who is a veteran within the definition contained in section 101 of the Alaska Veterans Homestead Act of 1947

and who has made homestead entry under the provisions of such Act, shall be eligible for the benefits of this title."

SEC. 704. In the disposal under the Surplus Property Act of 1944, as amended, of all (a) surplus property located in the Territory of Alaska and (b) surplus boats and other floating equipment located in the Seattle area, the disposal agencies shall grant preference over all other disposals under such Act to veterans who have made entry under this Act, upon presentation of satisfactory evidence that any such veteran, or group of veterans, purchasing any such property will use it in connection with his homestead or their homesteads, or otherwise to assist in the settlement of the Territory of Alaska.

SEC. 705. In the event of the death of a veteran before patent is issued, his heirs or devisees shall succeed to the same rights that he would have had, had he lived. Acceptance of such rights shall constitute an agreement on the part of the heir or devisee to meet the obligations of the veteran with respect to the tract and shall render the heir or devisee liable to the same extent as the veteran.

SEC. 706. There is hereby authorized to be appropriated, from time to time, such sums as are necessary for the surveys and for the efficient carrying out of the provisions of this Act.

80TH CONGRESS
1ST SESSION

H. R. 4060

A BILL

To provide for the settlement of certain parts of Alaska by war veterans.

By Mr. PEDEN

JULY 1, 1947

Referred to the Committee on Public Lands

National Congress of American Indians

WASHINGTON BULLETIN

Volume 1, Number 4 JUNE-JULY, 1947

FEDERAL BUREAUS SET TO RAID INDIAN TIMBER

The old game of stealing Indian property is still being played. In the closing hours of Congress the Senate added another black page to our nation's dishonorable treatment of Indians when it passed H. J. R. 205, a bill designed to permit the Forestry Service of the Department of Agriculture to sell timber belonging to the Indians of Southeast Alaska without Indian consent and without paying the Indians for it. This bill had previously passed the House by unanimous consent before House members actually understood what it was all about. (No one could know from the title of the bill that it involved Indian Rights.)

The Indians of Southeast Alaska are members of the National Congress of American Indians, and in their behalf every resource of our organization was thrown into attempting to defeat this infamous bill. For more than three weeks your Secretary and your General Counsel and his staff worked long hours each day trying to prevent the legislation from getting through. Groups of church organizations, The Indian Rights Association, The Association on American Indian Affairs, and other interested organizations worked with us. We were able to keep the bill from passing until as late as 12 midnight of the day Congress finally adjourned, but it slipped past a weary Senate in the last hectic three hours before adjournment. The President of NCAI, Judge Johnson, came to Washington to meet with the Alaskan Indian delegates who were here to fight this legislation and to aid them in their fight.

For the first time in many years a Secretary of the Interior was against the Indians in their fight to protect their property. Like any faithless guardian bent on despoiling his ward's estate, Secretary Julius A. Krug was a moving spirit behind this nefarious endeavor to strip Indians in Alaska of their most valuable resource. His underlings wrote this noisome bill, and when it looked as if others on his staff with more conscience could not stomach it, according to the Alaska papers, Secretary Krug used his personal influence to push the legislation through. We quote from the Daily Alaska Empire: "Secretary of the Interior Julius A. Krug was also a vital factor in getting the bill passed. It is believed he used his personal influence in support of the legislation after his subordinates had helped to make the passage of the bill almost impossible."

Once before, when a Secretary of the Interior by the name of Albert B. Fall attempted to give away Indian property to private industry he was stopped from doing so by the Attorney General of the United States. This time officials of the Department of Justice argued in defense of H. J. R. 205 that Congress can seize Indian property "by the sword" if it wishes to do so.

The attorneys for the Alaskan Indians plan to fight the legislation, if the President signs the bill and it becomes law, by attacking the constitutionality of the law in the Courts. Indians of Alaska are citizens of the United States and are entitled to the same protection of their property rights as is afforded all other U. S. citizens.

If the Forest Service of the Department of Agriculture gets away with this seizure of Alaskan Indian timber, no Indian timber in the United States is safe.

This law should put all Indians on the alert to watch for other attempted steals of valuable Indian resources. It has been demonstrated once again that the effectiveness of federal guardianship depends entirely on the integrity of the public official responsible, and the watchfulness of the ward. The dangers of a teapot dome did not pass away with the removal from office of Albert B. Fall.

HELP FOR INDIAN GI'S

Indian GI's are entitled to all the rights which the government accords to other GI's, and the Senators and Congressmen from New Mexico and Undersecretary of the Interior Chapman have promised to take steps to see that they receive them.

At a conference held in the matter in the office of Senator Chavez, at which the Undersecretary and Miss Lopinsky, of the legal staff of the NCAI were present, it was clear from the evidence of an ex-soldier from Laguna Pueblo that the Indians are not informed as to what they are entitled to, and they are not informed because the Indian Service depends upon the Veterans' Bureau to give out this information, and the Veterans' Bureau refuses to treat Indians as it does other GI's, thinking the Indian Service takes care of them. Undersecretary Chapman told the Congressmen present that he would ask General Bradley, head of Veterans' Administration, to appoint a man to work with the Indian Office to correct this condition.

The Lagunan brought up another problem that may be bothering Indian GI's generally - that it is hard for Indians to take advantage of training offered under the GI bill because they do not have highschool educations. Congresswoman Lusk pointed out that boys who do not have highschool educations can go to trade schools or be apprenticed to shops under the GI Bill and learn a trade, and at the same time study school subjects without having to meet entrance requirements. Boys interested in entering trade schools, should write to the NCAI for further particulars.

TAXATION IN OKLAHOMA

On May 15, 1947 the House received a memorial of the Legislature of the State of Oklahoma, asking the President and the Congress of the United States to grant its consent to uniform taxation of certain Indian properties which are taxed by the federal government and which are immune or claimed to be immune from State taxation. This was referred to the Committee on Public Lands.

THE NAVAJOS PLIGHT—A MATTER OF NATIONAL CONCERN

The New Mexico Association on Indian Affairs, headed by Mrs. Margrette S. Dietrich of 519 Canyon Road, Santa Fe, New Mexico, is doing a splendid job toward bringing to the attention of the American Public and the proper officials in Washington, the deplorable plight of the Navajo Indians.

In a pamphlet sponsored by the Association, it is pointed out that for years there has been discrimination against the Navajo Indians in the use of Congressional appropriations for Indians and that statistical reports for the year 1940 reveals that the Indian Office expended an average of $126 per capita to all Indians; for the Utes whose reservation borders the Navajos to the north, an average of $458 was spent; while for the Navajos, the Indian office spent only $64 per capita, about half the national average, and less than one-seventh of the Ute average.

That the Navajo Reservation is four times the size of the State of Massachusetts and has only 100 miles of surface roads. The others are mostly trails over which travel by car is unsafe. Travel is very difficult. Patients must be carried on horseback many miles before they can be reached by car and it is pointed out even if school buses were provided, children would have to walk possibly 10 miles or more, often through deep snow to catch the bus. Notwithstanding these obstacles and handicaps, the Navajos are so anxious for education that their Tribal Council voted for compulsory education for all their children from 6 to 16, at its tribal meeting in February, 1947.

Replies received from questionnaires sent out under the sponsorship of the New Mexico Association on Indian Affairs emphasized the need for schools; more medical service and hospitals; more help in developing irrigation; and permit increase in livestock by allowing grazing permits for young families; and to develop resources for the reservation and provide for liquor control and better law enforcement.

It is urged that appropriations be increased for the Navajo Indians before September 1, 1947, to provide dormitories for reservation community schools, and that the Indian Office increase the revolving loan fund by $1,000,000 for the benefit of Indian veterans. More funds for relief for the impoverished people on the reservation, is urged.

The New Mexico Association on Indian affairs has approved these recommendations and will ask Congress and the Indian Office to earmark the funds appropriated for the Navajos so that in the future the Navajo Tribe may receive its fair share of appropriations to meet these needs, based on population and need. In the words of the Association, "If the spirit of determination of 56,000 industrious Navajos is not to be broken by reason of poverty, disease, or even through continued charity as a substitute for an opportunity to earn a living, ACTION MUST BE IMMEDIATE."

The Navajo people have been shamefully neglected. We believe that the following editorial which appeared in the "Phoenix Gazette," a short while ago gives a fair picture of the condition existing on the Navajo Reservation:

"The treatment of the Navajo Indians at the hands of the federal government came in for sharp criticism at the meeting of the Institute of the Navajo Indian held in New York, Dr. C. G. Salsbury, director of the Sage Memorial Hospital at Ganado, charged that the flow of venereal diseases, tuberculosis and other diseases is running unchecked through the reservation like a "river of death."

This is a serious indictment of those charged with the responsibility of caring for and looking out for the welfare of our Indian charges. Coming from a man of the standing of Dr. Salsbury, whose knowledge and understanding of the Navajo Indian and his problems, is probably unsurpassed, his indictment should be taken seriously. There have been many charges made against the federal Indian service by persons of lesser caliber, but it is doubtful if so serious a picture was ever painted by anyone of such standing as Dr. Salsbury.

The problem of the Navajo Indian is one that concerns the entire nation, but it is of particular interest to Arizona as large parts of the Navajo reservations are within this state. While Arizona is in no way responsible for the maintenance of the Navajos, it has a moral obligation to employ every resource at its command to see that these people are accorded the best care and treatment. More than 3,500 Navajo Indians were in the armed services during World War II. Another 18,000, out of a tribal strength now numbering 55,000, did war work. Now that they have returned to the reservation at the end of their service it is unthinkable that they should be forgotten and neglected.

The war, Dr. Salsbury said, is directly responsible to a large degree for the plight in which the Navajos find themselves. He sums it up this way:

'A pocketful of money, swarms of gamblers and greedy bootleggers, and a raft of loose women infesting the fringes of the labor camps where the unsophisticated Navajos were employed have combined to burn a curse into the souls and bodies of the Indians that will be felt for generations to come."

The Navajos were good enough to fight and die for America. America owes them help now."

In 1868, our Government made a solemn treaty with the Navajos in which it promised one school and a teacher for every 30 Navajo children between the ages of 6 and 16 years. This promise remains unfulfilled and 80% of the Navajo people are illiterate and more than 14,000 Navajo children of school age are today without any school facilities whatever. The Navajo Indians are citizens of the United States by the Act of 1924. We pride ourselves on free public schools and extending to every American child a common school education, a right freely accorded all other citizens, except the Navajos. This treaty should be honored immediately and schools provided in accordance with Article 6 of the treaty. This agreement should be respected the same as any other treaty.

We appeal to all welfare organizations, women's clubs, churches, and associations interested in justice for humanity to work to create public opinion against this neglect and mistreatment of a patriotic group of First Americans and urge you to ask your congressional delegations to see that this treaty is honored and that adequate appropriations for the education of the Navajo Indian children be made.

INDIANS TO HAVE PREFERENCE FOR JOBS IN INDIAN SERVICE

The Civil Service Commission ruled on July 24th that existing laws give Indians preference for retention in jobs in the Indian Service under the present need to reduce personnel due to budget cuts, as well as for employment in new jobs. This decision came as a result of legal briefs submitted to the Civil Service Commission by the National Congress of American Indians and the Solicitor's Office of the Department of Interior. At long last Indians will begin to see the laws on the statute books for the past 113 years giving Indians preference for employment in the Indian Service put into effect. Indian Service officials in Washington say they intend to apply the Civil Service Commission's ruling to the letter. Instructions to do this have already been sent into the field.

Because the policy of employing Indians in the Indian Service (despite the 113-year old laws commanding Indian Office officials to do so) is fairly recent, the hope of holding many Indians on the jobs was practically nil under the first priorities set up for personnel reductions. The first schedule gave seniority of service high priority. This new ruling will completely revolutionize the reduction schedules for the Indian Service. It will operate to give Indians preference for retention over every other employee in the same grade except veterans.

The Commission's decision reads as follows:

"The Commission is of the opinion that the statutes conferring upon Indians preference in employment in the Bureau of Indian Affairs are equally as applicable to retention as to original appointments. In view of Section 18 of the Veterans Preference Act, these statutes are still operative to such extent as they are not inconsistent with the Veterans Preference Act."

OLYMPIC NATIONAL PARK

Of interest to Indians, particularly those of the Northwest, are the four bills now before Congress, sponsored by the Interior Department, to exploit the timber resources of the Olympic National Park. A pamplet entitled "The Raid on the Nation's Olympic Forests," published by the New York Emergency Conservation Committee points out the dangers in this surrender of the Department to commercial pressure even though this step would be of only temporary benefit to the lumber mills and is not necessary for the industrial needs of the area. It is important for all who are interested in conserving our forest lands to protest against such destructive measures, and particularly is this true for the Indians who own large tracts of timber land. Copies of this pamphlet may be obtained from your National Secretary.

The four bills are, S. 711 by Senator Magnuson of Washington State, H. R. 2750 by Representative Norman also of Washington, H. J. R. 84 by Representative Norman and H. R. 2751 by Washington's Representative Jackson (identical with H. R. 2570).

COURT DECISIONS AFFECTING INDIANS

Court Reaffirms Indian Hunting Rights

The issue of whether Indian hunting rights are superseded by the Migratory Bird Treaty again came to the fore when criminal charges were filed against Stanley Kinley, a Lummi Indian, for alleged violation of the Fish and Wildlife Migratory Bird Law. The Judge of the District Court for the Western District of the State of Washington, on May 5 dismissed charges at the request of the Justice Department.

In 1942 a, Yakima Indian was prosecuted for violation of the same Act. At that time Judge Margold, then Solicitor of the Interior Department, held that the Migratory Bird Act could not be interpreted to overrule Indian treaty rights, and Judge Schwellenbach (now Secretary of Labor) dismissed the case.

It is hoped that this latest affirmation of the rights of Indians to hunt migratory birds will be sufficient precedent to stop future prosecution of Indians on grounds of violation of the Migratory Bird Law, where Indians are exercising treaty rights of their own.

* * *

Oregon Courts Upholds Right of Indians To Use Self - Help.

An Oregon court recently refused to convict several Yakima Indians of the charge of illegally destroying fishing scaffolds erected by non-Indians on fishing locations owned by the Yakimas near Celilo, Oregon. The Yakimas did not deny that they had destroyed the fishing scaffolds. They said, however, that they had protested many times against the use by white men of the fishing stations which were reserved to the Yakimas in their 1855 treaty. The courts have consistently respected and protected their treaty rights. The white fishermen, however, did not, and appropriated the fishing stations to themselves. The Yakimas, when they saw that their protests were of no effect, destroyed the white men's fishing scaffolds, and the court held that they had a right to do so.

* * *

Restrictive Covenant Question Goes to Supreme Court

The Crocker Case mentioned in the 1947 Bulletin, which concerns the right of an owner of property to prevent its ever being bought or occupied by an Indian or other person not Caucasian, will probably be decided by two cases now pending in the Supreme Court. The Supreme Court of the United States has undertaken to review at the next term of Court two restrictive Covenant cases involving non-Caucasian residents. We can hope that their decision will forever outlaw this form of discrimination against any Citizen of the U. S. on account of his race or creed.

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PRESIDENT OF NCAI VISITS WASHINGTON

Your President, Judge N. B. Johnson, came to Washington during the week of June 20th to work personally for adequate appropriations for Indian schools and hospitals. While here he met the four Alaskan Indian delegates and joined them in their efforts to defeat the infamous timber bill (H. J. R. 205) which would rob Southeastern Alaskan Indians of their timber.

In addition to personal calls on many Senators and Congressmen on behalf of Indian appropriations, Judge Johnson, as president of the National Congress of American Indians, wrote to each member of the Senate Appropriations Committee urging that the appropriation cuts made by the House be restored. Every Senator replied, and several Senators expressed their interest and pledged their support. The Senate Appropriations Committee, without any request from us, incorporated Judge Johnson's letter into the ~~closing days of Congress.~~ record of the hearings.

We are convinced that the great effort put forth by our President had real influence in securing the increased Indian appropriations finally made in the ~~record of the hearings.~~ closing days of Congress

RACISM IN ALASKA

(From Events and Trends in Race Relations, May 1947 issue).

The democratic movement toward statehood for the territories under our control appears to have been halted by military considerations. This suspension is providing an opportunity for demagogic leaders to play upon the customary fears by introducing racial issues. The question raised by one Congressman when he asked, "Do we want a Senator Yamamoto (from Hawaii) coming to Washington?", is matched by the statement of a witness and by the Governor of Alaska, when they agreed that what Alaska needs is "roads and white women." Despite the pleas for statehood, however, the issue was postponed indefinitely, for other considerations.

LAGUNA INDIANS PROMISED VOICE IN GRAZING RULES

At a meeting attended by your Washington representative, held on June 10, in the office of Senator Chavez of New Mexico, Under Secretary of the Interior, Oscar Chapman, promised a delegation of Laguna Pueblos headed by Governor Pete Martin that he would take steps to see that the Laguna cattlemen are given some say-so in determining the capacity of their grazing land. The promise came out of a discussion in which Senators Chavez and Hatch, Congressman Fernandez and Congresswoman Lusk, all of New Mexico, participated actively in upholding the right of the Indians to run at least as many cattle on their range as the white cattlemen are allowed to run on their adjoining land. Mr. Chapman stated that the Indian Service rates land much more strictly than does the grazing service, and that the result is that Indians have been allowed to run much fewer sheep and cattle on a given piece of land than white men are allowed to have on similar land. He agreed that it is wrong, and that the Indian cattlemen should have the same opportunity to help in determining the grazing capacity of their land as the white ranchers. He proposed an advisory board composed of Indian cattlemen and Indian Office people for this purpose. Other tribes whose cattlemen are too restricted in the use of their grazing land should petition for similar voice in their grazing regulations.

D.A.R. INTRODUCED TO WASHINGTON BULLETIN

The Washington Bulletin was formally presented to the Daughters of the American Revolution at their Convention in Washington in May. Miss Frances Lopinsky, an attorney on the staff of James E. Curry, general counsel for the NCAI, presented the Bulletin at a breakfast held for State Chairmen of Indian Affairs Committees of the D.A.R., on May 15th. Miss Lopinsky distributed copies of the March Bulletin to all the ladies present, and in a short speech, indicated to them the value the information contained in it would have in their work. The presentation was well received, and several committee chairwomen immediately subscribed for the Bulletin for their state committees.

MINERAL LEASES ON TRIBAL LANDS

On May 1st the Interior Department issued an order concerning the leasing for mining purposes of Indian tribal and allotted lands. The order specifies certain acreage limitations which apply to all such leases. So far as those tribes whose constitutions have inconsistent provisions are concerned, this is clearly outside the power of the Secretary. We urge those tribes who are affected by this order to make their protests known to the Interior Department officials and to send us a copy so that we can help you in making the necessary modification in the order.

BEN F. JENSEN
7TH DIST., IOWA

JUL 17 1947

COMMITTEE:
APPROPRIATIONS

Congress of the United States

House of Representatives

Washington, D. C.

JUL 11 1947

July 10, 1947

Mr. J. Earl Jackman
Home Missions Council of North America, Inc.
297 Fourth Avenue
New York 10, N.Y.

Dear Mr. Jackman:

I was glad to have your letter of recent date giving me the benefit of your views in regard to the budget request for Alaska in the Interior Department Appropriations bill.

The Conferees have now started to hold their meetings and this matter, along with various other items in the bill, will be discussed.

Sincerely yours,

Ben F. Jensen

BFJ:MIB

H. ALEXANDER SMITH
NEW JERSEY

COMMITTEES:
FOREIGN RELATIONS
LABOR AND PUBLIC WELFARE

ALBERT B. HERMANN
ADMINISTRATIVE ASSISTANT

United States Senate

WASHINGTON, D. C.

July 17, 1947

Dear Mr. Jackman:

This will acknowledge your wire in which you request that Indian claims in Alaska before Tongass Bill, S.J.R.-118 is considered.

The bill is now pending on the Senate Calendar. Whether it will receive favorable action before Congress adjourns I cannot say.

I shall indeed keep your views very much in mind when it comes up for discussion.

Sincerely yours,

H. Alexander Smith

Mr. J. Earl Jackman
Presbyterian Mission Works for Alaska
156 Fifth Avenue
New York City

HAS:B

United States Senate

COMMITTEE ON CIVIL SERVICE

July 21, 1947

Hon. J. Earl Jackman, Chairman
Alaska Committee Home Mission Council
156 Fifth Avenue
New York 10, New York

Dear Mr. Jackman:

This will acknowledge and thank you for your telegram of July 18th relative to the Tongass Bill providing for settlement of Indian claims in Alaska. I am giving this matter very careful attention and consideration. I appreciated receiving your views on this legislation.

I hope that you are well and wish to extend to you my kindest regards.

Sincerely,

Wm. Langer

WL:fs

United States Senate

COMMITTEE ON FOREIGN RELATIONS

July 21, 1947

J. Earl Jackman, Chairman
Alaska Committee Home Mission Council
156 Fifth Avenue
New York 10, New York

Dear Mr. Jackman:

Thank you for your communication.

S. J. Res. No. 118 is on the Senate calendar.

I have been blocking action on this bill and am glad to know of your views.

Very sincerely yours,

H. C. Lodge, Jr.

COPY

July 30, 1947

Honorable Harry S. Truman
The White House
Washington, D. C.

Dear Mr. President:

It grieves me to come to you with a plea for help in your hour of great sorrow, but I must speak on behalf of a grief-stricken people who see their homes and the sustenance of their children and their old people taken away from them in the name of industrial progress. You are the head of the greatest nation on earth. I speak to you on behalf of two tiny tribes who are your wards, who are America's oldest minority, and upon whose treatment America will be judged in the councils of the world.

There now lies on your desk for your signature or rejection a resolution, passed by the Senate in the closing hours of the session. It is entitled "A resolution to authorize the Secretary of Agriculture to sell timber in the Tongass National Forest." Of course, the Secretary has, without further legislation, the authority to sell timber "in the Tongass National Forest." This resolution allows the Secretary to sell Indian timber located within the exterior boundaries of that forest, and to put the proceeds therefrom in an escrow fund, pending determination of the rights of the Indians to the land from which the timber was taken. The law provides no method for releasing the proceeds from escrow, so that the end result will be that unless these Indians are able to wage a successful legal fight in the courts against their guardian, they will see their lands denuded of its most valuable crop, receiving nothing in return.

Land titles in Alaska, particularly titles to Indian land, are mostly based upon occupancy, under acts of Congress which make such occupancy the equivalent of ownership. The resolution on your desk makes no provision for protecting the occupancy rights of Indians, individual or tribal. Even the Chairman of the Senate Indian Affairs Committee expressed doubt as to the constitutionality of this uncompensated seizure of Indian lands. But in the confusion of the closing minutes of the session his doubts went unheeded.

The Indians of southeastern Alaska are anxious to cooperate in the industrialization of the Territory - the goal of this legislation. Four delegates representing these Indians spent two full weeks in Washington, at great personal sacrifice, attempting to work out a compromise with proponents of the resolution whereby the pulp and paper

industry could be introduced into Alaska without requiring of the Indians that they sacrifice their rights of ownership in land. A compromise drafted by the Department of the Interior and acceptable to the legal division of the Department of Agriculture and the Indians was drawn up, but is was finally repudiated by the Department of Agriculture, which apparently takes the position that Alaskan Indians have no right to own land, a position reminiscent of the worst laws in the dictatorships we fought. When it became apparent that a suitable compromise was not to be expected, the Indians, their counsel, and other interested organizations joined in a statement of objections to the resolution, a copy of which I enclose herewith.

On behalf of the Indians of southeastern Alaska, for the reasons stated in their statement of objections, I respectfully request that you veto the bill which would deprive them of their property, and direct the Congress to respect the rights of the loyal Indian citizens of Alaska in any future legislation designed to bring "progress" to these citizens and their fellow Alaskans.

Please accept the deep-felt sympathy of myself and those first Americans for whom I speak.

Respectfully yours,

James E. Curry

NATIONAL CONGRESS OF AMERICAN INDIANS

N. B. JOHNSON
PRESIDENT
CLAREMORE, OKLAHOMA

MRS. RUTH MUSKRAT BRONSON
SECRETARY
1426 35TH STREET, N. W.
WASHINGTON 7, D. C.

JAMES E. CURRY
ATTORNEY
~~1212 TOWER BUILDING~~
WASHINGTON 5, D. C.

July 31, 1947

1426 35th Street, N. W.

Dr. Earl Jackman
Board of Presbyterian Missions in the United States
of America
156 Fifth Avenue
New York City, New York

Dear Dr. Jackman:

The fact received very little publicity, and so I may be bringing you the first news that the Tongass Bill, which authorizes the sale by the Secretary of Agriculture of Indian timber in the Tongass National Forest, passed the Senate in the early hours of Sunday morning and has gone to the White House.

The action that we took with your help to have the bill amended to protect Indian rights, or to postpone its consideration until the January session of Congress was not altogether ineffective. Despite the constant efforts of Senator Magnuson to force the measure through on the unanimous consent calendar, Senators Chavez, Langer and O'Mahoney prevented its consideration until the closing hours of the session. The Indians no doubt had other friends who found it unnecessary to speak out on the Floor of the Senate during these preliminary skirmishes. The final, successful motion to bring the bill up on unanimous consent was made by Senator Taft. We do not know who was present on the Floor at the time. We do, however, know that objections to the bill were withdrawn with misgivings and probably under great pressure. This is evident from a statement made at the time by Senator Watkins, to-wit: "I have great doubt as to the constitutionality of the measure, but I shall not make a formal objection. We wanted to protect the rights of the Indians by adoption of proper amendments. Others have passed on those amendments. They think I am wrong."

During the Committee hearings before him Senator Watkins commented upon the unconstitutionality of the measure as originally introduced. He joined in the drafting of amendments to the bill, designed to protect the rights of the Indians, and it was reported to us that although he believed in the ultimate purpose of the bill, he would object to it unless his safeguarding amendments were included. Although we did not believe the amendments sufficient to effect their design, we had hoped, after speaking to Senator Watkins about their deficiencies, that the bill would be further amended to satisfy our criticisms.

Senators Chavez and O'Mahoney were considering additional amendments which no doubt would have strengthened the Indians' position. Senator Chavez said many times that he believed in bringing the pulp industry into Alaska, but he thought that the Indian land titles should be settled first. Senator O'Mahoney said on the floor of the Senate: "The Senate Committee on Public Lands was unwilling to deal fast and lose with the possessory

rights of the Indians in Alaska thus recognized by law, and it inserted certain amendments designed to protect those possessory rights and to make certain that the lands upon which the Indians are living, on which they have their villages and their homes, should not be sold out from under them, but that the timber lands which they have possessed and which they may be using shall not be disposed of contrary to law. I believe, Mr. President, that the Senate Committee on Public Lands was absolutely right. We cannot afford idly to toss away the possessory rights of the Indians in Alaska which have been recognized by custom and by law."

Although we think chances of obtaining a veto are not bright, we are writing to Mr. Truman requesting a veto for the purpose of bringing the Indians' side of the controversy to his attention, in the hope that he might give the "go" sign to corrective amendments in the next session of Congress. I enclose a copy thereof. A similar letter from your organization would be effective.

It is important to note that while the bill authorizing the Secretary of Agriculture to sell the timber has been passed, no action has yet been taken by the Secretary. The decision as to what timber to sell under the bill is left to him. There is, therefore, still time for an aroused public opinion to prevent the sale of Indian timber without compensation to the Indian owners. We, therefore, intend to continue our efforts to inform as many people as possible of the implications of this bill, and to so administer the bill as to protect Indian rights in land. Your aid in this task would be effective and appreciated.

On behalf of the Indians of Southeastern Alaska I thank you for your efforts to date in their behalf. Please keep me informed of any further action you take in the matter and I will do likewise.

Sincerely yours,

James E. Curry

James E. Curry

August 26, 1947

- atty. nat'l Cong amer. Indians

Mr. James Curry
1426 35th Street NW
Washington 5, D.C.

Dear Mr. Curry:

Thank you for sending me the letter of July 31 in regard to the final skirmish over the Tongass Bill in the Senate and a copy of your letter to the President. My own feeling is that the Bill is unfair and will do injustice to the native people in southeastern Alaska, but apparently it is to become a law.

Our next move is to watch the development in southeastern Alaska and try to bring pressure upon governmental sources to refrain from entering land which is claimed by the natives. When it is proposed to do this, attempts should be made to secure injunctions against the Forest Service in the Department of Interior, or else to have the Department of Interior make a recommendation to Congress for settlement of the Indian claims before the timber is taken from the land.

From the information at my disposal, you have the most complete listing of claims of the Indians available. One of the natives in Petersburg allowed me to see a copy of the mimeographed report of some hearings in regard to these claims. Certainly somewhere there ought to be a pretty complete listing which could be relied upon in watching the development of the timber and pulp mills. If there is anything we can do to assist in this matter, please feel free to call upon us.

Cordially yours,

J. Earl Jackman, Secretary
Unit of Work in Alaska

JEJ:ala
Dictated by Mr. Jackman
but signed in his absence

Re: The Tongass Douglas Bill

ALASKA

Office Copy

REGIONAL FILE

Another White Man's Steal?

During the closing days of the last session of Congress the Tongass Bill was passed by both houses, was signed by the President, and became a law of the Nation. There was a general understanding that the bill would die in Committee. Strong pressure came from the Secretary of the Interior and others interested. It was hastily pulled out of the Committee and passed under suspension of the rules.

The bill proposes to do a good thing for the United States and Alaska. It permits the Secretary of the Interior to direct the Forest Service in Alaska to sell mature timber from the Tongass National Forest to commercial companies for pulp wood and paper manufacture in Alaska. Thus the United States would have a new source of paper products, Alaska would have a new industry, and the shipping companies would have a return cargo which might enable them to reduce the present exorbitant shipping rates resulting from a one-way haul. A most excellent bill!

But there is another story behind it. Most of the land in the Tongass National Forest is claimed by the Indians whose families have lived on this land for centuries. Deeds were not made and recorded as we record them now, but feasts and ceremonials were celebrated to impress upon the minds of all living people that certain lands belonged to certain individuals. No one was permitted to hunt on the land or fish from the shore without the permission of the owner. Repeatedly Congress has passed legislation recognizing these possessory rights. The claims act was passed recognizing these claims and proposing to settle them but little has been done to accomplish that. The Indians became tired of the delays and sued the government. Hearings were held in southeastern Alaska and Seattle. The Federal Judge decided their claims were excessive but they had just claims which should be sifted and settled. A proposal has been made that the Indians sue the Federal government for $30,000,000. in settlement of these claims.

Meanwhile, a San Francisco district court has decided that the Indians have no claim to the land on which they have lived for generations. The deed to Alaska which we received from Russia has been reexamined. The court says we paid Russia $7,000,000. for the control of Alaska and $200,000. for a clear deed to all the land, so the Indians became squatters in their own homeland. It is proposed that this decision be appealed to the Supreme Court for a final verdict.

Following the San Francisco decision the Tongass Bill was passed by Congress giving permission to sell the timber from the forest. It is a reversal of former legislation and a statement reported from the Secretary of the Interior after his visit to Alaska a year ago. It permits the white man, by the authority of the government, to go into the Tongass Forest and steal - no, just take - the timber from lands claimed by the Indians before any settlement is made with the Indians. It would be interesting to know why Congress and the Secretary have reversed themselves on this!

Alaska needs the provision of this bill but not at the expense of integrity and honor. Congress and the Department of Interior have procrastinated on the settlement of these claims. Now that development is on the horizon in Alaska, they are caught with an unfinished task and they propose to settle it by taking what is claimed by our citizens without compensation. Is it possible the Indian is going to be able to say again that he was treated better as a subject under Russia than as a citizen under the United States?

This bill gives permission to sell this timber. It is not too late for appropriate action. Two things ought to be done and they are recommended: (1) The Secretary of the Department of Interior to refrain from taking any timber

from lands claimed by Indians, and (2) The Congress of the United States should be urged to introduce legislation which will provide for speedy settlement of these claims so that this development may come to Alaska with honesty and fairness for the Indians, and with honor for the United States government.

J. Earl Jackson, Secretary
Unit of Work in Alaska
Board of National Missions, Presby. Church U.S.A.
156 Fifth Avenue
New York, N.Y.

JEJ:FK
September 15, 1947

Miss Koerner, make a full run of this and send the first copy to Mr. George Dugan 297 Fourth Ave, New York, N.Y. (Publicity Dept. Fed. Council) with a note that it is longer than 300 words. I am to see the statement before it goes to the Exec. Com. H.M.C.

Another White man's steal?

SEP 15 1947

During the closing days of the last session of Congress The Tongass Bill was passed by ~~under a suspension of the rules of~~ both houses of Congress, was signed by the President and became a law of the nation. There was a general understanding that the bill would die in committee. Strong pressure came from the Secretary of the Interior and others interested. It was hastily pulled out of the committees and passed under suspension of the rules.

The bill proposes to do a good thing for the United States and Alaska. It permits the Secretary of the Interior to direct the Forest Service in Alaska to sell mature timber from the Tongass National Forest to commercial companies for pulp wood and paper manufacture in Alaska. Thus the United States would have a new source of paper products, Alaska would have a new industry and the shipping companies would have a return cargo which might enable them to reduce the present extravagant shipping rates resulting from a one way haul. A most excellent bill!

But there is another story behind it. Most of the land in the Tongass National Forest is claimed by the Indians whose families have lived on this land for centuries. Deeds were not made and recorded as we record them now — but feasts and ceremonies were celebrated to impress upon the minds of all living people that certain lands belonged to certain individuals. No one was permitted to hunt on the land or fish from the shore without the permission of the owner. Repeatedly Congress has passed legislation recognizing these possessory rights. The Claims act was passed recognizing these claims ~~but little~~ and proposing to settle them but little has been done to accomplish that. The Indians became tired of the delay and sued the government. Hearings were held in southeastern Alaska and Seattle. The Federal judge decided their claims were excessive but they had just claims which should be sifted and settled. A proposal has been made that the Indians sue the Federal government for $30,000,000. in settlement of these claims.

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Alaska needs the provision of this bill but not at the expense of integrity and honor. The Congress and the Department of Interior have procrastinated on the settlement of these claims, now that development is on the horizon in Alaska they are caught with an unfinished task and they propose to settle it by taking what is claimed by our citizens without compensation. Is it possible the Indian is going to be able to say again that he was treated better, as a subject under Russia than, as a citizen under the United States?

This bill gives permission to sell this timber. It is not too late for appropriate action. Two things ought to be done and they are recommended: (1) the Secretary of the Department of Interior to refrain from taking any timber from lands claimed by Indians and (2) The Congress of the United States should be urged to introduce legislation which will provide for speedy settlement of these claims so that this development may come to Alaska with honesty and fairness for the Indians and with honor for the United States government.

It would be interesting to know why Congress and the Secretary have reversed themselves on this!

should be urged

Legislation recognizing Indian rights in Alaska

The Act of May 1, 1936 (49 Stat. 1250) authorizes the Secretary of the Interior "to designate as an Indian reservation any area of land which has been reserved for the use and occupancy of Indians or Eskimos by Section 8 of the Act of May 17, 1884 (23 Stat. 26) or by Section 14 or Section 15 of the Act of March 3, 1891 (26 Stat. 1101). Since the Acts of 1884 and 1891 do not define by metes and bounds the areas reserved for the Indians but only refer to those "in their use or occupation or now claimed by them" it is clear that the Secretary in whose hands the general administration of the general land laws is placed (see 5 ESC 486) must define their exact extent.

The same is true under the Act of June 6, 1924, which, as amended by the Reorganization Plan II, authorizes the Secretary of the Interior to "set apart and reserve fishing areas" in any of the waters of Alaska over which the United States has jurisdiction and to "make such regulations as to the time, means, method and extent of fishing as he may deem advisable". As stated by the Secretary "it becomes necessary to determine whether portions of the Coast or of the coastal waters are subject to possessory rights of one sort or another with which the erection of fish traps might interfere".

Section 27 of the Act of June 6, 1900 (31 Stat. 321) making further provision for a civil government for Alaska, provides that "the Indians or persons conducting schools or missions in the district shall not be disturbed in the possession of any lands not actually in their use or occupation."

The Act of May 14, 1898 (30 Stat. 409) extended the homestead laws to Alaska. The homestead laws have always been interpreted as not applying to lands "in the possession, occupation and use of Indian inhabitants." (see circular sent to registers, receivers, and United States surveyors-general, approved by the Secretary of the Interior on October on October 27, 1887), but, to inusre to the Alaskan Indians certain further rights not commonly protected in the States, the Act specifically provided that "the Secretary of the Interior shall reserve for the use of the natives of Alaska suitable tracts of land along the waterfront of any stream, inlet, or seashore for landing places for canoes and other craft used by such natives."

The Act of March 3, 1891 (26 Stat. 1101) to repeal timber culture laws (referred to in the 1936 Act) provides for certain purchases of land for trade, etc, in Alaska but that none of said provisions "shall be so construed as to warrant the sale of any lands,,,,to which the natives of Alaska shall have prior rights by virtue of actual occupation."

The Act of May 17, 1884 (23 Stat. 26) (referred to in the 1936 Act) creates the land district of Alaska but provides that "the Indians or other persons in said district shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them, etc"

Under the authority of these statutes, the Secretary of the Interior has from time to time since 1896, handed down decisions confirming Indian rights to possession of lands in Alaska. The so-called Haas-Goldschmidt

report was prepared pursuant to the provisions in the Rules of Practice issued by the Department June 10, 1946, that a copy of the petitioners "shall be forthwith transmitted to the Co mmissioner of Indian Affairs and the Commissioner of the General Land Office for preliminary investigat- ion and reports, and such reports shall be made a part of the record at the hearing"

A tragic story of racial expropriation and human degradation is being written in Alaska today. A native population that relied on the good faith of the United States to protect the sources of its livelihood is today coming to the bitter conclusion that the word of the United States is not to be trusted. It was 66 years ago that Helen Hunt Jackson's "Century of Dishonor" roused the conscience of the American public and led to drastic revisions of our Indian administration. For the natives of Alaska, a century of dishonor is just beginning,---unless an aroused and informed public opinion is moved to protest.

In the eyes of the law, these Alaskan natives are still the owners of valuable fisheries, timber, and minerals. This Indian ownership, the courts have repeatedly said, is "sacred". But in reality these natives are dying of starvation and expoaure---or as the medical reports say of diseases associated with malnutrition and inadequate housing---while million dollar corporations, with the approval of Federal officials sworn to protect Indian property, grab the fisheries, the trap lines, the lands and the timber from which these natives once drew a rich livelihood.

It is not so many years ago that Indian furs, blankets, and dried fish were the chief staples of the Northwest Pacific Coast trade. Alaskan natives traded thousands of tons of these products annually, plying their sailing vessels from the Columbia River to the Aleutians. That they had been doing from time immemorial they did not cease to do when a Russian or American flag was hoisted in Sitka or Juneau. To this day, giant house posts and totem poles record the craft and courage with which these First Americans won a high standard of living---the highest north of Aztec Mexico---out of a forbidding environment.

The Russians, though they tried to monopolize the natives' trade, never interfered with their fisheries or other landholdings. Even the officials of the Russian-American Company were forbidden by an 1841 Ukase of the Czar to seize native lands or other property without the consent of the native owners.

Adherence to this policy of respect for native possessions was pledged by the United States at the time of the Russian cession, in 1867, and this pledge has often been reiterated. Respect for aboriginal possessions had always been the professed policy of the United States since the Northwest Ordinance of 1787 proclaimed that the Indians' "lands and property shall never be taken from them without their consent." This policy Congress reiterated for Alaska in the first organic act for the territory, approved May 17, 1884, which safeguarded native possessions of all lands then used, occupied, or claimed by natives. Similiar guarantees were included in subsequent acts of 1891, 1900, 1924, and 1936. Moreover in Alaska, until thirty or fifty years ago, this respect for native possessions was, in the main, not only professed policy but living fact. Except for a few miners, who took what never had been an important part of the native economy ----it was Indian use of gold for bullets that started the 1898 Gold Rush-- ---and a few traders and the usual hangers-on of mining camps, there was no substantial white population in Alaska to cast covetous eyes on native possessions. When sporadic efforts were made to grab native possessions, the Federal Government and the courts protected them, just as they protected the property of inhabitants of other races. Forty years ago it might have been fairly said that the natives of Alaska had not been deprived of any of the resources on which their livelihood depended. They were then making noteworthy advances in civilization, mastering white man's machinery

with great facility, building and piloting the great fishing fleets of Alaska with the same skill that had gone into the building and piloting of the fishing, whaling, and sealing ships of their fathers.

The seizure of strategic Indian fishing sites by a few great packing companies that began around 1910 and reached its full development in 1922 struck at the foundations of the Indian economy. The efforts of the old Bureau of Fisheries to whitewash and legalize these seizures reached the proportions of a national scandal before the first faltering steps to correct this abuse were taken. In 1924 Congress prohibited further grants of exclusive trap sites and declared invalid the grants that the Bureau of Fisheries had made to its favored permittees, but this legislation was interpreted into innocuousness by the officials that Congress had sought to control. It was only after the Bureau of Fisheries was abolished and its functions transferred to the Department of the Interior, in 1939, that any effort was made to carry out the Congressional mandate against the grant of exclusive fishing rights in furtherance of private monopoly. In 1942 the Attorney General declared, as the Solicitor of the Interior Department had already stated, that it was within the authority of the Secretary of the Interior to carry out the anti-monopoly provisions of the 1924 law. The Interior Department proceeded to hold extensive hearings both on the question of Indian rights in the strategic fishing areas and on the monopoly feature of the Alaska fishing situation. The later hearings were still in full swing when the Secretary Ickes resigned, and they were promptly discontinued. The hearings on Indian claims, however, proceeded to final adjudication before the change in administration. Under the final decree of the Department the title of three native villages was sustained to 11 fish trap sites and surrounding lands and timber, and disallowed as the the remaining 90% of the native claims.

With the change in administration of the Interior Department hearings instituted by other Alaska native communities were broken off. At the same time the Interior Department announced that Indians will be deemed to have abandoned all fishery and other land claims unless such claims are filed with the Secretary of the Interior before June, 1951. Meanwhile the decisions made by Secretary Ickes in the three cases that had proceeded to final adjudication are being enforced by the Interior Department in so far as they run against the Indians. They are being ignored or circumvented in so far as they are favorable to the Indians. The Indians are thus faced with a disconcerting choice; either they can file and press their claims before a department that refuses to hear them, and refuses to enforce those already heard and decided in favor of the Indians, or they can decline to file their claims before such a tribunal, in which case the Department has announced that the native claims will be considered to have been abandoned. Whatever alternative the Indians choose, the canning companies continue to exclude them from the prized trap sites which are the foundation of a 50 million dollar a year industry, and to exclude them even from the chance to work for wages in the canneries established within their very townsites.

When the canning companies had demonstrated that, with the collusion of Federal officials, it was possible to draw vast profits out of stolen Indian fisheries, a number of smaller operators were inspired to follow their example by seizing native fur trap lines and, in many cases, even the pelts in the natives' traps. This was made possible by the development of an alaskan air traffic which makes accessible to itinerant whites fur areas that have always been in the exclusive possession of Alaskan natives. These modern fur pirates operate with impunity in so far as the Interior Department refuses to protect Indian possessions from trespass. [Protecting Indian lands from trespass is commonly referred to in white Alaskan circles as "segregating the Indians"] In accordance with a statute enacted by Congress in 1936

Secretary Ickes proclaimed native ownership, and prohibited trespass, in several areas which had long served as sources of native livelihood. Further action under this statute appears at a standstill. Since 1933 no single native reserve has been established in Alaska, though many native villages, Indian and Eskimo---among them the communities of Point Barrow, Hydaburg, Kasaan, and Klawock---have asked that the lands which they have always used for their subsistence be place under native control, and be protected from incroachment of mhite exploiters.

Following the successful raids of the canning companies and the fur pirates on Indian resources, a groups of timber operators have arranged with Federal officials, in recent months, for the disposition of a million acres of more of Indian timber, power sites, pulp mill sites, and other lands that may prove useful for the commercial development of wood industries. According to the testimony of Federal Officials, the Indian timber will be sold at a price in the neighborhood of $2.00 per thousand feet---commercial sales today run to a hundred times this figure---and the money will not be paid to the Indians but will be paid to the Department of Agriculture. The Indians will have only the right that any victim of robbery has, that of suing the robber. But experience has shown that Indian suits against the United States are generally lost on technicalities and when successful benefit the children or grandchildren of those who have been despoiled.

Officials of the Interior Department, the sworn guardians and trustees of Indian property, were not inclined to let their responsibilities as guardians and trustees stand in the way of this scheme. At their urging, Congress, in the last hours of its last session, passed a law allowing the Secretaries of Agriculture and Interior to expropriate Indian lands and timber in Southeastern Alaska without compensation to the Indian owners. If the constitutionality of this law is sustained, the way will be clear for the enactment of further legislation stripping the natives of Alaska of the rest of their resources. Already the Alaska canning companies, according to sworn statements under the Lobbying Law, have "assisted" the Interior Department in drafting legislation designed to dispose of Indian fisheries and other Indian possessions along the lines established by the Indian timber legislation. If this new legislation is finally enacted,the natives of Alaska may well be deprived,--in the name of industrial progress, of course, of their last acre of land, their last tree, and their last fish trap site. They will then be fit material for serfdom, and the Interior Department's Alaska Native Service may gain a new lease of life doling out the pennies of government chairity to men and women who have been deprived by goverment action or inaction of all their sources of livelihood. Already Territorial Officials are demanding federal subsidy for the education of Indian children on the sole ground that they are of the Indian race, in spite of the fact that Indians in Alaska pay every kind of tax for schools that any other citizen of the Territory pays.

What can be done to stop this plundering of a helpless people?

You, as an American citizen can write to the President of the United States, whose subordinates are supposed to be trustees and guardians of native property. You can write to your Senators and Congressmen. [Alaska natives have none because Alaska is not a State]. You can write to newspapers. You can make it clear that the plundering of Alaskan natives is something of concern to all Americans who have at heart the honor of our country in its dealings with a helpless native people. You can make your concern concrete and effective by urging:

1. That hearings promised the Alaskan natives for the determination

of their fishery rights and other land rights be carried out without delay or evasion, wherever native communities have petitioned for such hearings.

2. That decisions reached in such hearings be enforced even when they are favorable to the natives and not merely when they are unfavorable.

3. That lands found to belong to natives should be reserved for native use and protected from trespass unless the native owners, in fair and fee dealings, agree to cede their lands for fair compensation.

4. That neither the Interior Department nor the Agriculture Department should dispose of Indian land or Indian timber without the consent of the Indian owners. If Indian property is needed for public purposes it should be condemned in propert court proceedings and the Indian owners should receive fair compensation assessed by impartial juries.

5. That the grant of fisheries to absentee monopolies cease.

6. That no legislation should be passed, no matter how highsounding its title and pretended purpose, which would impair the right of Alaskan natives to the full protection of their possessions on which rest their livelihood and their children's future.

ALASKA
PERM. FILE

September 18, 1947

Honorable Julius A. Krug
Secretary of the Interior
Washington, D. C.

Through the Division of Territories and Island Possessions

My dear Mr. Secretary:

The issue of aboriginal rights will, I think all concerned are agreed, have to be settled at the earliest possible moment. The Territory had a narrow escape when H. J. Res. 205 barely squeaked through fifteen minutes before the close of the last session of Congress. That should serve as a categorical warning that the underlying question which so nearly defeated this desirable measure must be disposed of. Until it is, a doubt will cloud every potential investment and every venture in development in southeastern Alaska. Moreover, the total proceeds from the timber sales are to be held in escrow in the Federal Treasury until settlement is achieved, and obviously this money should not be held idle any longer than necessary.

If recourse is had to the customary legal process, it is almost inevitable that the determination will drag on for years. A tremendous amount of evidence will have to be adduced, all sorts of witnesses will have to be interviewed; even with the best intentions in the world, it looks as if the final solution would be delayed almost interminably.

I would like to suggest a cutting of the Gordian knot in a way that seems to me beneficial for all concerned:

First and foremost, to the Indians of southeastern Alaska;

Second, to the economy of Alaska and to those residents, actual and prospective, who wish to develop it;

Third, to the good name and repute of the Federal government; and

Fourth, to national policy.

My proposal is that the question be approached somewhat as follows:

The "natives" of southeastern Alaska may or may not have valid possessory claims. It is conceivable that the courts might award them large holdings of lands. It is conceivable that the courts might decide adversely. But this much is certain--that the natives have been led to believe that they have rights and a good deal of recent history would support their belief to that effect. Moreover, if the courts should decide favorably, the question

of how awards should be made and be beneficial is still enormously complex. If the Indians are entitled to land, the mere possession of those lands is, in itself, not necessarily a bonanza. Giving them title to these lands might effectively block the prospective pulp and paper development which itself is so useful for the economy of the Indians, and thus deprive them of the potential revenue from timber sales, should they prove entitled to some of it, and in any event, deprive them of the year-round employment which the pulp industry will bring. If it is to be a cash settlement—and it is the lawyers who are most interested in this—it would be enormously complex to decide who is to share and in what degree. Administratively, this would become almost a superhuman task, and would be fraught with no end of contention, conflict, disappointment and bitterness. Moreover, it is doubtful whether a bill providing for cash settlement would ever be enacted.

In anticipation of the solution which I propose, there is this important and essential factor: Money is available. It is available as a result of the passage of H. J. Res. 205. The money from the timber sales receipts will accumulate in the Treasury of the United States. We do not therefore have to deal with the complication of having first to determine what claims or rights the Indians have and then, should such claims be established, go to Congress for an appropriation. That would entail, even in the event of favorable court decisions, further prolonged delays. The need for speedy and decisive action is imperative.

My proposal would be that a substantial part of the timber sales receipts be set aside and used for the rehabilitation of the native communities of Southeastern Alaska. They are all in dire need.

First: with the exception of Hoonah, which was rehoused (although not wholly) under the Lanham Act after the partial destruction of the community by fire in the summer of 1944, every one of the native villages desperately needs housing.

Second: Virtually every native community needs much improved utilities. The water, light and power situation in most of them is totally inadequate. Their streets are unpaved and become quagmires at certain times.

Third: No less than the Alaskan white communities, the Alaskan native communities totally lack recreational facilities. Alaska's children have never gotten a fair deal. Most of the native communities have neither a gymnasium nor a playground.

Fourth: Virtually every native community needs hospital facilities. Even though we concentrate on a few larger hospitals, some arrangement for a suitable local institution with a nurse in attendance would go far toward

raising the level of health and be most effective both in combatting tuberculosis and other diseases.

Fifth: Most of these communities need a stretch of road which it has been clamoring for for years but has been unable to secure.

Sixth: Most native communities need improved waterfront facilities, such as deepened water-ways, small-boat harbors, docks and airplane landing facilities.

Seventh: Certain definite assistance in the way of economic tools is urgently required. If each of these communities where there is a cannery nearby could purchase that cannery, as in Metlakatla and Sydnburg--and learn to operate it--the economy of the village would be greatly aided, and the people's self-reliance established.

Eighth: Smaller industries, processing plants for other sea products, woodworking shops, etc. should have serious consideration.

There may be other needs which I have overlooked.

My proposal, therefore, would be that perhaps fifty percent or more of the timber sales revenue be utilized for these purposes until some sum such as twenty-five or thirty million dollars had een expended. There might be individual variations in some of the villages. Klukwan, for instance, has some special needs of its own which I would be glad to outline.

The arguments in favor of this solution of the problem would be:

(1) It would avoid the tedious, costly and wholly unprofessible juridical process during the course of which all development in Southeastern Alaska might be seriously handicapped;

(2) It would be a fine example of weighing the possible rights of the Indians which may or may not prove valid with the undeniable desirability of rehabilitating their economy, furnishing them with healthful surroundings and the other concomitants of proper living, assisting them in securing the tools by which they can permanently help themselves, and disposing, as far as it is possible, of the eternal recurring problems of an economy that is deficient in every way, and that, from the standpoint of citizenship, is socially deplorable.

This arrangement should be in settlement of all aboriginal claims in Southeastern Alaska whether applicable to timber or any other resources. It should dispose of the question forever, and be considered a final liquidation.

I do not know how far such a proposal would get, but I have a feeling that if those concerned could unite behind it, it would have a fair chance

of passing the next Congress. I believe that the majority of the Senators and Representatives who have been to Alaska this summer would be sympathetic and that their support would go a long way toward insuring the adoption of such legislation.

The usual monkey wrenches would be thrown by those with selfish interests to serve. There would be the attorneys and a few others eager to lay their hands immediately on some cash. There would be the persons who are prejudiced against the Alaska native and would like to see him maintained in his state of abject poverty and servitude, and in an inferior economic and social status. There are those who would object on the ground that it has not been proved that the natives were entitled to anything. There would be the theorists who would like to atrophy the natives' potentialities for self-development by making them mere royalty recipients, without effort or service on their part.

However, I feel that the alternatives to the proposed program are so objectionable that they can be discarded, and that by uniting on such a direct and specific plan, it can be put across.

Meanwhile, it would not be difficult to make a quick resurvey of the native communities in southeastern Alaska to estimate their approximate needs, and to arrive at a general total of cost. This information could easily be secured before Congress reconvenes.

The Indian communities in Southeastern Alaska are Klukwan, Haines in part, Yakutat, Juneau in part, Douglas in part, Hoonah, Sitka in part, Angoon, Petersburg in a small part, Kake, Wrangell in part, Klawock, Hydaburg, Ketchikan in part, including Saxman. In the communities such as Sitka, Juneau, Wrangell, and Ketchikan where the "in part" indicates that a fraction of the community is "native", the problem might vary slightly, but no real difficulty should be found in arriving at a satisfactory solution.

I will appreciate getting your reaction to this proposal.

Sincerely yours,

Ernest Gruening
Governor of Alaska

Board of National Missions
of the Presbyterian Church in the
United States of America
156 Fifth Avenue, New York 10, N.Y.

October 8, 1947

Mrs Ruth M.Bronson
1426 35th Street, N.W.
Washington 7, D.C.

Dear Mrs Bronson:

Many thanks for sending me your article and a review of previous legislation in regard to the relation of the Department of Interior and the possessory rights of the Natives in southeastern Alaska. The Publicity Department of the Home Missions Council was pressing me for the statement concerning the Tongass Bill, so that I had to write my statement before your material arrived.

The executive committee took action approving publicity which would help to stay the effect of the new law so far as the Indian claims were concerned. Publicity has gone into the newspapers and Dr. Dawber has prepared some material along with Miss Shotwell toward that end. A copy of my statement has been sent from this office to Mr. Bartlett in Washington and material has gone from Dr. Dawber's office to several parties concerned in the matter.

Please keep us informed concerning any new developments. We want to lend our assistance toward getting the Natives a fair consideration from the government. At times we are under great pressure and cannot do the thing that ought to be done immediately but our purpose is to help in the best way.

Cordially yours,

JBJ:AT

J.Earl Jackman, Secretary
Unit of Work in Alaska

Dorgass Date
Re Tongass National Forest

REFER IN REPLY TO THE FOLLOWING:

NOV 12 1947

ADDRESS ONLY THE
COMMISSIONER OF INDIAN AFFAIRS

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON 25, D. C.

ALASKA
PERM. FILE

OCT 31 1947

Mr. J. Earl Jackman,
Chairman, Alaska Committee,
Home Missions Council,
Leonia, New Jersey.

Dear Mr. Jackman:

There has been referred to this Office for acknowledgment and reply your telegram of October 24 to the Secretary of the Interior, commending him upon the proclamation of an additional reserve of land for the native village of Hydaburg, Alaska, as described in Departmental News Release P.N. 26856. You will note from the enclosed copy of a subsequent release of October 24 that the Hydaburg proclamation was announced erroneously.

The Hydaburg proclamation has been submitted to the Department by the Bureau of Indian Affairs but has not been signed. Attached to the file submitted to the Department was a proposed news release to be issued in the event the proclamation was signed. Through an unfortunate misunderstanding, the proposed release was detached from the file and erroneously issued for publication in the afternoon papers of October 16. The error was discovered on October 14, and a hold request issued immediately. However, the hold request did not reach some newspapers in time to prevent publication.

One reason for the delay in action on this proclamation is the desirability of reaching a satisfactory agreement with the Department of Agriculture which has jurisdiction over the Tongass National Forest. As was stated in the release of October 16, the Forest Service of the Department of Agriculture would manage the timber resources, including commercial development, within the proposed Hydaburg reserve. It is sincerely hoped that agreement can be reached with that Department.

The Department is continuing its consideration of the Hydaburg proposal now before it. Your statement in support of the proposal, as well as other comments received both pro and con, will be considered in the formulation of the Department's final decision on this matter.

Your interest in the welfare of the Indians is, as always, deeply appreciated.

Sincerely yours,

(Sgd) John H. Provinse

John H. Provinse,
Assistant Commissioner.

Enclosure 312

11/12/47 not included (Folder OK)

Congress (Vermille)
re: Douglas Bell

Board of National Missions
of the Presbyterian Church in the
United States of America
156 Fifth Avenue, New York 10, N.Y.

December 5, 1947

see Dept of Interior file for this inf.

Mr. John H. Provinse,
Assistant Commissioner
Office of Indian Affairs
U.S. Department of the Interior
Washington 25, D.C.

Dear Mr. Provinse:

Thank you for your letter of October 31st giving me more of the story of the proposal for the expansion of the Hydaburg reservation and the enclosures covering this item.

You indicate in your letter that the final decision has not been reached in regard to the Hydaburg proposal. It was my impression that a final decision had been reached and this seemed to me to be one fair way of helping to solve the problem of the recognition of the rights of the Natives and still provide for the development of the resources of the Territory. In my judgement this is not the best way to solve the problem but I could support this action if there were no other better way. The fairest thing is for the Federal Government to settle once and for all the claims of the Natives and then proceed to develop the resources of the Territory without any strings attached to any land on which the timber grows.

I make an annual trip to Alaska and mingle among the native people of the southeastern part as well as the Eskimos on the north Arctic Coast. There are a number of serious thinking Indians in the southeast who feel that the reservation is not the answer to their needs, and many leaders are opposing the reservation plan. We would urge your Department to send a recommendation to Congress to make adequate provision for the settlement of the Indian claims as early as possible. This settlement would remove all possibility of charges of unfairness, dishonesty, and broken faith, and would clear the way for new development for southeastern Alaska.

Sincerely yours,

J. Earl Jackman, Secretary
Unit of Work in Alaska

JEJ:FK

Congress Germ Isle re: Douglas Bill

INDIAN AFFAIRS

For several generations now the Indians of the United States have been wards of the Federal Government. The Bureau of Indian Affairs was established in 1824, and even before that there was a Superintendent of Indian Trade, which office was created in 1806. Both of these offices, as well as Indian Affairs from the beginning (1789), were placed under the War Department. The implied object of this relationship has been to amalgamate the Indian into American civilization, culture, and citizenship. From a standpoint of numbers, those Indian tribes which survived conquest have done fairly well. For example, the Navajos have doubled in population since 1912.

However, from the standpoint of becoming integrated into American life, it seems that many tribes are almost as unchanged culturally as they were many years ago.

The question might properly be raised as to the major premise, i.e., should the Indian become "Americanized" - especially if he does not want to be? If our answer is no, then we are facing a permanently stratified or at least a segregated society in America, since the Indians are by no means a dying race. The same, incidentally, might be said for the Negroes or for any other national and/or racial minorities. The only alternative seems to be political and economic amalgamation, followed, perhaps hundreds of years later, by social and racial amalgamation as well. Any other assumption leads to a caste society and the denial of any complete and universal democracy in this country - unless we believe that ultimately various cultures can live harmoniously together in the same society.

Strangely enough, the race prejudice issue is not strongly raised with the Indian. Perhaps one reason for this is that the Indians were never actually enslaved by the Americans but relationships were settled by treaties with various so-called nations of Indians, with the American nation as a co-equal co-signer. However, our reservation policy, has, in effect, resulted in a segregation policy. And if and when large numbers of Indians begin competing with whites economically, politically and socially, the race issue will undoubtedly be raised. In fact, many restaurants and hotels in the West refuse service to Indians even now.

It may be incautious to speak of "the Indian" at all as there are so many different tribes and nations in varying degrees of culture - some many years advanced over others.

Although the U. S. Office of Indian Affairs has spent more and more money as the years go on, and has increased its personnel steadily until there were in 1940 approximately 11,000 employees for an Indian population of 333,969, it is a grave question whether the Indian is becoming more or less self-sufficient under the varying policies of this office and of the party in power.

If the Indian is not much nearer our implied goal than he was even a few decades ago, it is a serious matter. It might well be charged that all of our efforts have been wasted and that to have done nothing in the past might

have been better than to do something which somehow produces a negative or at least a minimal result.

This immediately raises such questions as to whether we have an avowed long-range policy for the Indian to which every succeeding political administration should and could subscribe? And, secondly, if we do subscribe to the policy of amalgamation for the Indian, what is being done or not being done by the Indian Service to reach this objective? The Indian Service itself, its personnel, pay, numbers, and organization, might well be critically examined in the light of our fundamental objective.

This will be the purpose of the Committee on Indian Affairs of the Commission on Organization of the Executive Branch of the Government.

The Committee is not interested in past mistaked except as they may throw light on possible future improvements which would tend to prevent their recurrence. In short, the Committee will attempt to make constructive long-range suggestions on Indian affairs in line with the determined historical objectives of the American government in its dealings with the Indians since their pacification.

It may find it necessary to deal with other phases of government activity such as those of the United States Department of Agriculture and its Forest Service, the Soil Conservation Service, Public Lands, U. S. Roads Administration, and Grazing Service, the Federal Security Agency and its U.S. Office of Education and U.S. Public Health Service, Public Welfare, Social Insurance, Unemployment Insurance, and Old Age Pensions, the Interior Department and its Bureau of Reclamation, the extension services of the Land-Grant colleges, and other federal, state, county, municipal, and district governments as they affect the life and culture of the American Indian.

(s) John R. Nichols
Committee on Indian Affairs
Commission on the Organization of
the Executive Branch of the Government

5 February 1948
Revised: 4 March 1948

An excellent statement

STATEMENT BY ASSISTANT SECRETARY WILLIAM E. WARNE BEFORE THE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, 10:00 a.m., FEBRUARY 24, 1948.

NATIVE LAND RIGHTS IN ALASKA

The Department of the Interior has a heavy responsibility to offer all assistance compatible with the public interest in the development of the immense and largely untouched resources of the Territory of Alaska. Along with this commitment, the Department has the solemn duty of caring for the interests of the native citizens of that Territory.

Neither of these responsibilities, I believe, can adequately be discharged as long as the question of native ownership of Alaskan lands remains unsettled. Neither the native nor the white settler can so order his affairs as to make the most of his opportunities if there is known neither the validity nor the extent of his land titles. New enterprises are effectively discouraged if the entrepreneur cannot tell whether or not he has title to his plant site.

There are three approaches that we can take to this problem of native land rights in Alaska: procrastination, negotiation, or expropriation.

I. Procrastination.

Of these three, the method of procrastination has been the most widely used. For one thing it is the easiest. Alaska is far away and largely unknown, so that further study, research, and investigation usually seem appropriate for Alaskan problems.

Then we are all very much like the man who wouldn't fix his roof when it was raining because he didn't want to get wet and wouldn't fix it when it wasn't raining because it didn't leak then. When people are not settling in Alaska, there is no pressing reason for bothering about Indian land claims. When settlers are moving onto Indian lands, then anybody who tries to determine rights is likely to find himself in the middle of a very unpleasant situation.

So we have all postponed action most of the time. We acquired Alaska in 1867.1/ It took us 17 years before we passed the first organic act for Alaska,2/ and at that time we dealt with Indian land claims by providing simply that they should not be disturbed and that Congress would pass legislation providing for the confirmation of Indian titles at a later date. Then there is a time span of 62 years before Congress,

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1/ 15 Stat. 539.

2/ Act of May 17, 1884, 23 Stat. 24.

in 1936, enacted a law[3] to carry out the promise of 1884,[4] authorizing the Secretary of the Interior to mark out and protect Indian land titles. During the 12 years that have passed since 1936, we have conducted a number of investigations and hearings looking to action under that law, but only in six cases[5] have we reached final action. In all our investigations and hearings we have been continually beset by pleas for delay. The fact of war, or the imminence of some economic development, or the need for further investigations, or the pendency of some proposed legislation, or some other persuasive reason for putting off a final decision, seems always to be present when any proposal for action reaches its final stage. I cite as an example the case of the Hydaburg Indians who on April 11, 1938, petitioned for recognition and confirmation of their land rights. We have taken more than 2,800 pages of testimony at public hearings on this claim, and we have had to read hundreds of pages of briefs bearing the names of more than 30 lawyers. But we have not yet brought the matter to a conclusion.

It is much easier to postpone a difficult decision than to face the issues and decide them. The simplest thing for us to do on this Hydaburg petition of 1938 and all similar petitions is to postpone action. We can postpone action until Congress passes more legislation or completes planned investigations, and Congress can postpone action until we make further investigations or until we make full use of the legislative authority that has already been conferred on us. I am not advocating this course. I am merely setting it out as one possible alternative.

In weighing this alternative, your committee should consider whether postponing action on these issues is also postponing the clarification of Alaskan land titles and thus postponing the settlement and industrial development of Alaska. If that is the case, then either the Congress or the Interior Department is going to have to choose between facing the brickbats that any solution of this problem will draw, on the one hand, and, on the other hand, leaving a vital segment of our national frontier undeveloped and almost uninhabited.

3/ Act of May 1, 1936, 49 Stat. 1250.

4/ "This provision in reality carries out the promise of this Government contained in the act approved May 17, 1884 (23 Stat. 26)." House Committee Report on act of May 1, 1936 (H. Rep. No. 2244, 74th Cong., 2d sess., 1936).

5/ The following reservations have been established under the 1936 Act: Unalakleet (Jan. 27, 1942); Akutan (May 20, 1943); Venetie (May 20, 1943); Karluk (May 22, 1943); Wales (June 19, 1943); Little Diomede (April 22, 1946).

II. Negotiation.

The chief method of dealing with Indian land claims in the United States has been by negotiation. It has been estimated that more than 90 percent of our public domain was acquired from the Indians by treaty or agreement and that we paid the Indians somewhere around 800 million dollars for perhaps 1600 million acres, that is to say on the average about 50 cents an acre for this land. Most of this payment, of course, was in commodities and services rather than in cash. In the course of these negotiations we have bought all the land in the States that we could persuade the Indians to sell at a reasonable figure, and confirmed the Indians' title to areas that they insisted on reserving for their own use. About 56,000,000 acres are still reserved by the Indians in the States, that is to say, an average of about 160 acres per capita (including papooses). That is the general background of our Indian land deals in the continental United States. It is very easy to miss the main outlines of the Indian land problem in an undeveloped area like Alaska unless we look at it in the light of our actual dealings with Indian land claims in those parts of our country that we have really settled.

There is a common misapprehension that Indian reservations are a recent invention, in the nature of concentration camps. But the fact is that Indians began making reservations of land for their own use just as soon as they began to sell land to the first white settlers. We have a record of a sale of land in 1640 in Connecticut in which Chief Uncas carved a reservation for his Mohican Tribe out of the lands he was ceding to the new Colony. It is true that in early times many Indians were mistreated on their reservations and shot by white neighbors when they ventured off the reservation and that explains some of the emotions that the word "reservation" still arouses. If we want to be unemotional we have to talk about Indian owned lands, which is what I propose to do, but we must not be scared if somebody jumps up and shouts "reservations" at us.

The traditional American way of dealing with the Indian land problem in the States has worked pretty well on the whole. The Federal Government profited by buying land from Indians at 50 cents an acre and selling it for $1.25 an acre. The white settlers got cheap land and security of title. The Indians were assured of protection on the land they reserved for their own use, and the payment they received for what they sold helped them to acquire farm machinery, livestock, draft animals, sawmills, and other products of white civilization, and so to get a greater return out of less land.

I should add that the method of negotiation has generally been unpopular on the frontier. The typical frontiersman has always thought that recognizing aboriginal land titles, making treaties or agreements with Indians, and allowing them to hold part of their lands in reservations, was a "mollycoddle" policy and that stronger measures would be preferable. From time to time the Federal Government has experimented with stronger measures. They have never proved satisfactory. In the late seventies and eighties,

when Indian wars were the chief occupation of all our troops, it was estimated that it cost, on the average, about $4,000,000 to kill one Indian. It was cheaper, as well as more humane, to deal with the Indian by peaceful methods.

Generally speaking, the natives of Alaska are insistent that the Federal Government negotiate with them for the settlement of their land claims just as it has negotiated with the Indians of the continental United States. The Indians of Alaska are a proud people with a strong regard for property rights. Before the white man reached their country, they were the richest Indians in our land. They caught millions of pounds of salmon every season. There were Indians who counted their wealth in thousands of blankets and furs. They sailed from the Columbia River to the Aleutians in their own sailing vessels and traded up and down the coast. They forced the Russians to respect their property rights so that back in 1841 a Ukase, signed by His Imperial Majesty, "the Autocrat of all the Russians," ordered agents of the Russian-America Company not to construct factories or redoubts on native lands without first reaching an agreement with the natives concerned.6/ Now they feel that the United States should show them at least the same consideration that the Russian Czar showed them. They resent bitterly any suggestion that the Federal Government should discriminate against them by treating their land claims with less consideration than the Federal Government accorded to the claims of other Indian tribes in the States.

There is a good deal of history behind this feeling on the part of the Alaskan natives. Not being an expert on anthropology, I won't go back beyond 1867 in talking about that history. But a good many things have happened in the last 80 years to make the Indians feel that they have the same kind of land rights that Indians in the States have enjoyed.

First, there was the treaty of 1867 which declared that civilized Indians should, like other inhabitants of the territory, "be admitted to the enjoyment of all rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their rights, property and religion."7/ It then went on to add: "The uncivilized tribes will be subject to such laws and regulations as the United States may from time to time, adopt in regard to the aboriginal tribes of that country."8/

6/ "Sec. 282. Should the Colonial Administration consider it advantageous to establish factories, redoubts, or so-called 'one-man posts' in various parts of the American continent, for the safeguarding of its commercial interests, it shall obtain the consent of the natives to such action, using every endeavor to preserve pacific relations with them and to avoid arousing the suspicion of any desire to encroach on their liberty." (Ukase of March 5, 1841: translated by R. H. Geoghegan.)

7/ 15 Stat. 539, 542.

8/ Ibid.

Commenting on these treaty guaranties, the last Republican Delegate from Alaska, a distinguished jurist and historian who represented Alaska in the Congress for 14 years, Judge Wickersham, said:

> "The clause taking over these people in Alaska, Russians and other is, I think, identically the same clause that is found in the treaty by which we purchased Louisiana, and by which we secured the Mexican provinces after the Mexican War; that is, California, Arizona, and New Mexico.
>
> "So that the Alaskan Indians at that time came in with the same assurance of citizenship in the United States as those in the Louisiana and Mexican purchases, and the uncivilized Indians came in with the assurance they would be treated exactly as the Indian tribes of the United States are.
>
> "So that extends to Alaska the policy which this Government has always maintained, and which was maintained before this Government was organized by the British Government, in respect to the Indians' title to lands they occupied. * * *Treaties were made by the United States after we purchased Louisiana, all over that region. After we purchased the California-Mexican country, treaties were made with the Indians there, and their titles were always quieted by a treaty and by purchase.
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> "Of course, there were some areas of land where there were no Indian claims. Those lands came into the public domain, without that procedure being taken. Wherever there was an Indian claim of possession, however, it has been the policy of our Government from the beginning, and the British Government prior to that time, to settle with these natives and procure the quieting of their possessory rights by purchase.
>
> "Now, that policy was extended into Alaska by the third article of this treaty of 1867, purposely, intentionally, and the courts have universally held that they stand in the same exact relation to the Government of the United States, with their property and other rights, that the Indians in the States do."9/

These views were quoted with approval by another distinguished jurist, Judge Dimond, a Democrat, who faithfully served in the Halls of Congress as Delegate from Alaska for twelve years.10/

During all the 26 years in which these men served, there was no question raised in Congress but that the land claims of Alaskan Indians

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9/ Hearings before Sen. Comm. on Indian Affairs on S. 1196, 72 Cong., pp. 5-6.

10/ See Cong. Rec., vol. 83, pt. 9, p. 179.

were entitled to the same consideration that was given to the land claims of Indians in the States.

In our western territories we generally negotiated with Indians for land cessions when there was some real demand for land on the part of white settlers or prospectors. Similarly, in Alaska, we have waited for some real demand before negotiating with the natives for land cessions. Only during the last two or three years has any such demand developed on a large scale. In view of that demand, Delegate Bartlett has introduced and this Department has endorsed a bill, H. R. 190, modeled on the legislation that was used to open up the West, authorizing negotiated cessions of native lands.11/

While white demands for land have been slow to develop in Alaska, native claims for the clarification of native titles have been advanced ever since 1890, and the Department has established at least 126 reservations in Alaska since that time, notwithstanding the widespread opinion that there are very few Indian reservations in Alaska.11a/ I attach a list of these reservations. Until 1936 these reservations were established on the same basis as other Indian reservations in the States, by Executive orders of the President. The act of May 1, 1936, vested the power to establish native reservations in Alaska in the Secretary of the Interior, and laid various conditions upon the exercise of that power, requiring the consent of the natives for the establishment or modification of any reserve. Under this 1936 legislation, the natives can incorporate and the native lands then become corporate property and may be leased and disposed of like other corporate property.12/

11/ H. R. 190 follows, so far as possible, the language of the act authorizing negotiations for extinguishment of Indian title in Utah. Act of February 23, 1865, 13 Stat. 432. In the early days cessions were made by treaty. Since 1871 cessions have been effected by agreements between the Indians and, usually, a representative of the Secretary of the Interior, and approved by the Congress. Example of such agreements for land cessions are the following: Act of April 29, 1874, 18 Stat. 36 (Ute); Act of April 11, 1882, 22 Stat. 42 (Crow); Act of July 3, 1882, 22 Stat. 148 (Shoshone and Bannoc); Act of July 10, 1882, 22 Stat. 157 (Crow); Act of February 20, 1904, 33 Stat. 46 (Red Lake Chippewa); Act of March 3, 1905, 33 Stat. 1016 (Shoshone-Arapahoe).

11a/ See 49 L. D. 592, 594; 54 I. D. 39, 45. All of the 126 Indian reserves except Annette Island were established by executive action, which, until recently, was not widely publicized. The Annette Island Reserve was set up by statute because the Attorney General had held that an executive order could not be issued for the benefit of immigrant Indians coming from Canada. 18 Op. Atty. Gen. 557.

12/ Under existing statutes, a fee simple title may be conveyed by the Indian corporation, but only when the consideration is other land of equal value. On the leasing of reserve lands see p. 29, infra.

The policy of protecting Indian lands is something that Congress has insisted on in legislating for Alaska since the first Alaskan Organic Act of May 17, 1884. In that act, as originally drafted, it was provided that Indian possession should be protected as to "any lands actually in their use or occupation."

Senator Plumb insisted that this phrase was too narrow, and so the statute was broadened to cover "any lands actually in their use or occupation or now claimed by them." Senator Plumb explained the importance of thus broadening the protection to be given to Indian lands in the following words:

> "I do not want to impose a government on several thousand Indians, for the purpose of assuming to consult the convenience of about four hundred white people, which shall do the Indians more hurt than it will do the white people good. Pending an investigation of this question I propose that the Indian shall at least have as many rights after the passage of this bill as he had before." (15 Cong. Rec. 530-531.)

The proposed amendment was accepted by Senator Harrison, who was in charge of the bill, with the statement:

> "* * * It was the object of the committee absolutely to save the rights of all occupying Indians in that Territory until the report which is provided for in another section of the bill could be made, when the Secretary of the Interior could ascertain what their claims were and could definitely define any reservations that were necessary to be set apart for their use." (15 Cong. Rec. 531.)

Senator Plumb's amendment was adopted. The entire discussion evinces the most scrupulous care not to destroy any aboriginal rights whatever but to leave the determination of such rights to future administrative inquiry. As Senator Plumb said,

> " * * * We are passing upon the rights and duties of a people about whom we know practically nothing, and a people who are entirely helpless.
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> * * * * *
>
> "Alaska is a long way off, and a series of outrages and wrongs might be perpetrated there which could not be remedied or healed and which would ripen into something which could not be reached by legislation or remedied practically before anybody knew anything about it." (15 Cong. Rec. 531.)

Since 1884 Congress has, in at least four other statutes, expressly recognized the possessory rights of Alaskan natives.13/

13/ Act of March 3, 1891, 26 Stat. 1095; act of June 6, 1900, 31 Stat. 321, 330; act of May 25, 1926, 44 Stat. 629; act of May 1, 1936, 49 Stat. 1250.

The Department of the Interior has tried to carry out this Congressional policy of respecting and safeguarding Indian possessory rights. There is a common impression in Alaska that this is a new departure in Interior Department policy. Anyone who has studied the record, however, will recognize that the Department has been trying to protect Indian possessory rights ever since the Gold Rush days, when the first waves of American settlement beat against native possessions.

In 1896, for instance, a commercial cannery applied for a patent to an area that included the fresh water supply of a native village. The application was denied by the Secretary of the Interior on the ground that land "upon which is located the sole and long used source of fresh water supply of the inhabitants is land which in contemplation of law is actually occupied by said natives" (23 L. D. 335, 337).

In the case of Benjamin Arnold, 24 L. D. 312 (1897), the Department held that an application of a trader for a patent covering the water supply of a neighboring native village on Kodiak Island should be denied, and declared:

> "* * * the actual and prior appropriation of the same by the native Alaskan villagers for the purpose of securing the necessary fresh water supply for domestic use and consumption entitle the said villagers to the exclusive use, control, and possession of said water way, and the particular portion of the land which is occupied by said water way, and sought to be purchased and entered by claimant, may be considered, as land in or under the 'actual occupation' of the said villagers, by virtue of which they have a prior right thereto, within the meaning of said section 14 of the act herein cited."

The opinion in the latter case is of particular interest since it was prepared by Assistant Attorney General Van Devanter, who later became a justice of the Supreme Court. With all due respect, I think it fair to say that Justice Van Devanter was never accused of radicalism. His understanding of Indian land problems, dating from his experience as Governor of Wyoming, has probably never been surpassed.14/

Many decisions of the Interior Department during the 50 years since 1897 have followed Mr. Van Devanter's opinions in holding that the land rights of the Alaskan natives should be accorded the same respect and protection as the land rights of any Indians in the United States.

14/ Again, in 1898, a similar decision was reached where a cannery's application for a patent to land in the vicinity of a native village was refused by Secretary of the Interior Bliss, again on the recommendation of his Assistant Attorney General, on the ground that the patent would be "an infringement upon certain 'prior rights' of the natives of Alaska" (26 L. D. 517, 518).

In the case of Frank St. Clair, 52 L. D. 597 (1929), it was held that Indian occupancy predating the establishment of the Tongass National Forest entitled the Indian occupant to maintain his possession and receive a patent notwithstanding the objections of the Forest Service.15/ The Interior Department noted that under the Alaskan Indian homestead law (act of May 17, 1906, 34 Stat. 197) it was not necessary to show continuous settlement or occupancy or the maintenance of a residence to the exclusion of a home elsewhere, as required by the general homestead laws (52 L. D. 597, at 601). The Interior Department refused to cut down the Indian's 160 acre application to 9.38 acres as the General Land Office recommended, or to require the Indians to purchase not more than 5 acres, as the Forest Service urged, but held: "The application of the Indian as originally made is approved" (at p. 601).

In the opinion of February 24, 1932 (53 I. D. 593), an opinion written by Solicitor Finney and approved by Secretary Wilbur, the Department, after examining the legal status of Alaskan natives, reached the conclusion that "their status is in material respects similar to that of the Indians of the United States" (at p. 605).16/ The Department particularly called attention to the right and duty of the United States, in Alaska, "to protect the property rights of its Indian wards" (at p. 600).17/

15/ To the same general effect, see 48 L. D. 362 (1921).

16/ See to the same effect 49 L. D. 592, 595 (1923).

17/ Again, in its opinion of September 3, 1932, written by Solicitor Finney and approved by First Assistant Secretary Dixon, the Department, in upholding the validity of an Indian custom marriage among Alaskan natives, came to the following conclusions:

> "In view of the foregoing opinions, which appear to be fully supported by the authorities therein cited, it must now be regarded as established that the native tribes of Alaska occupy substantially the same relation to the Federal Government as their American neighbors; that they are a dependent people under the protective care of the United States; that they and their affairs are subject to such legislation as Congress may see fit to enact for their benefit and protection, and that the laws of the United States with respect to the American Indians are applicable generally to the natives of Alaska." (54 I. D. 39, 42.)
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> * * * * *
>
> "* * * Congress has declared that they shall not be disturbed in the possession of lands in their use and occupancy and claimed by them (Sec. 8, act of May 17, 1884, 23 Stat. 26); and whether further protection shall be extended to them by the setting aside of specific reservations for their use is a matter of policy as yet undetermined. * * *" (pp. 42, 45-46)

On March 15, 1932, Secretary Wilbur wrote to assure the chairman of the House Indian Affairs Committee:

> "In adjudicating applications for patents to public domain in the Territory [of Alaska] careful inquiry is always made to ascertain whether or not any native rights are involved."18/

In the light of that record of recognition of native land rights by Congress and by the Department of the Interior, it is not surprising that the natives are insistent that we should not discriminate against them by failing to recognize their land rights in ways that we have followed with the Indians of the States.

The courts of Alaska have confirmed this expectation of the natives.19/

18/ Hearings before Ind. Aff. Comm. on S. 1196, 72d Cong., 1st sess., pp. 15-16.

19/ In 1904 the District Court of Alaska, in the case of Johnson v. Pacific Coast S.S. Co., 2 Alaska Rep. 224, said:

> "The evident purpose of Congress is to protect the natives in the possession of lands continuously claimed and occupied by them. * * *" (2 Alaska, 224, at 241.)

A year later in United States v. Berrigan, 2 Alaska Rep. 442, the District Court of Alaska, in issuing an injunction against timber-cutting and other forms of trespass on a native village site, declared:

> "The Tinneh tribes of Alaska were uncivilized native tribes at the date of the treaty with Russia, and the evidence in this case shows that the band for which this suit is brought still occupies that plane of culture. As such they are entitled to the equal protection of the law which the United States affords to similar aboriginal tribes within its borders. * * *" (at pp. 447-448)

> "Congress has also, by special enactment, provided for the protection of the Indian right of occupancy upon the public domain in Alaska." (at p. 448)

> "The United States has the right, and it is its duty, to protect the property rights of its Indian wards." (at p. 450)

In Nagle v. United States, 191 Fed. 141 (C.C.A. 9, 1911), the Court declared:

> "There can be no doubt that this stipulation relates to the Indian tribes in Alaska, and manifestly the treaty was designed to insure them like treatment, under the laws and

(Footnote continues.)

If we are to treat the Alaskan natives in a non-discriminatory manner, we will have to extend to them the same opportunity that was given to the Indians of the continental United States to cede the lands to which they have rights of occupancy, in return for fair compensation, and to reserve for their own use, if they wish it, as much of their land as is essential for their economic needs. This is not a radical or untried solution of our problem. It is a tried and tested American solution of one of our oldest American problems. It is expressed in the current platform of the Republican Party in Alaska in the following words:

> "We acknowledge their original ownership of this Territory, and we believe that an early settlement of this question would be beneficial to the development of Alaska and so we urge the immediate passage of the bill to empower the Interior Department to negotiate for the extinguishment of their title or so much thereof as may not be needed to maintain a decent standard of living." (Emphasis supplied.)

Enactment of the Bartlett Bill (H.R. 190), to which this platform declaration refers, would make possible a negotiated settlement of the

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Fn. 19 continued:

> regulations of Congress, as should be accorded Indian tribes in the United States." (at p. 142)

In Abbate v. United States, 270 Fed. 735 (1921), the Circuit Court of Appeals for the Ninth Circuit said (at p. 736) that Alaska in 1918 was "Indian country" and therefore subject to special Congressional liquor control on that basis.

In its most recent decision on the scope of the 1884 Act, the Circuit Court of Appeals for the Ninth Circuit declared: "From the foregoing statutes and decisions, it is clear that Congress, since 1884, has intended to protect, recognize and even 'guarantee' the possessory rights of these Tlingit Indians. Such rights are compensable; for their holders are neither squatters nor outlaws." (Miller v. United States, 159 F. (2d) 997 (1947).)

The Court in the Miller case rejected the contention of the Department of Justice that only a tribe could claim possessory rights under the 1884 Act and held that the individual plaintiffs (comprising apparently all the known adult members of the tribal group originally occupying this land) could recover the value of the area. There is no holding in any case that a group of Indians may not present their claims collectively, and such claims, when so presented, have regularly been allowed. Johnson v. Pacific Coast S.S. Co., supra; United States v. Berrigan, supra; Nagle v. United States, supra; 23 L.D. 335; 24 L.D. 312; 26 L.D. 517.

entire problem of native land claims in Alaska, just as similar legislation has given us security of titles in the continental United States. I cannot make an informed estimate of the cost of negotiating such settlements for all Alaska, but I am sure that the cost of the land subject to native title that we should want to acquire from the native groups will be much greater 20 years from now than it is today. Prompt action is likely to be the most economical in the long run. If we do not want to pay cash outright, we may negotiate, as we frequently did in the States, to pay over to the natives income from the disposition of the ceded lands. All such agreements would be subject to Congressional approval under the Bartlett Bill.

Even without the Bartlett Bill, this Department could negotiate land settlement agreements that would help to clear up Alaskan titles. We could do this in two ways. One way would be to negotiate an agreement and then submit it for Congressional approval and appropriation. We have hesitated to do that without some expression from this Committee that such a procedure would be favorably regarded.

There is a second way of settling Alaskan land titles, which does not require further legislation or any appropriations. Congress has already, by the act of May 1, 1936, 49 Stat. 1250, given the Department of the Interior power to convey to native groups a formal title to land, restricted only as to alienation. We are satisfied that we can make such a grant or confirmation of title conditional upon the execution of a release of all other possessory claims by the native group and its members. Proceeding in this way, we might negotiate with many different native groups. In those cases where we can reach a reasonable agreement we would confirm title to some part of the lands now subject to native claims, in exchange for a release of the remainder. In this way I believe that we can free large areas from the cloud of native possessory claims.

Negotiating for land cessions, whether we offer in exchange a sum of money or the confirmation of title to lands reserved from cession, cannot succeed unless the natives are willing to be reasonable in their demands. That is something of which we cannot be sure until we make an attempt. If this Committee has no objection, we propose to make that attempt and to see how far we can get.

In both these efforts we would be in a much stronger position if the Congress should take favorable action on the Bartlett Bill or something of the same order.

III. Expropriation.

The method of dealing with Indian land claims that is strongly favored by the chambers of commerce of Alaska is the method of expropriation. Those who advocate this approach believe that it will aid the development of the Territory. They argue that white men are more capable of developing Alaskan resources than are the natives. They insist that

their approach will not be unjust to the natives, since the natives will be able to sue for money damages eventually, if any lands that belong to them are taken away.

Along with this demand goes the companion demand that no further Indian reservations should be established and that past decisions defining the extent of areas subject to statutory Indian titles should be reopened.

Some of the white Alaskans who urge this course are of the opinion that no legislation is necessary, and that by a mere change in departmental policy we could wipe out Indian land claims. Other white Alaskans who have studied the matter more carefully are convinced that a change of departmental policy would not wipe out Indian land claims but would merely encourage Indian litigation and tie up all disposition of land in Alaska in litigation for many years to come, with a good chance that much of this litigation would be resolved in favor of the Indians. Therefore it is suggested that it is up to Congress to pass legislation extinguishing all Indian land titles in Alaska, with possible exceptions for small plots on which homes or other improvements are located, and allowing the Indians to collect whatever damages they are entitled to, through court proceedings or some sort of quasi-judicial administrative proceedings.

In general, the Department of the Interior has opposed proposals to wipe out Indian titles by legislation. The position of Secretary Krug was expressed in the following statement made in a letter to the President of the Juneau Chamber of Commerce, dated March 29, 1947, commenting on a bill for the extinguishment of Indian titles in Alaska sponsored by that organization:

> "The solution which your draft of bill proposes is in some respects a tempting one, in that it would forthwith eliminate all Native claims to the public domain in Alaska, without the necessity of a tedious inquiry into what may in fact be their land rights. I do not, however, consider that such an approach is consistent with our national traditions. Our Government has always respected property rights, of persons of all races, and should not in my judgment pass a bill which amounts to a general condemnation of all real property belonging to particular races, in order simply to achieve certainty of land title. * * *"

I should add that there is considerable doubt among Government attorneys and other attorneys whether expropriation legislation of the sort proposed by the Juneau Chamber of Commerce would survive the test of constitutionality to which it would certainly be subjected in the courts.

On these issues, I think it is clear that Congress and the courts must make the decisions. This Department has no authority to do what

many white Alaskans would like to have us do, i.e., to overrule acts of Congress and court decisions which recognize that the Indians of Alaska have the same sort of land rights that we have always recognized in the States.20/

20/ On two occasions the Department of the Interior has attempted to deny recognition to Indian land claims and the Supreme Court eventually held that such departmental action, not authorized by any statute, could not impair Indian possessory rights. In one of these cases, Cramer v. United States, 261 U. S. 219, the Department recognized the title of a railroad to lands on which some Indian families were living and leased the land for some time from the railroad for the benefit of these Indian families. The Supreme Court held that the Indian possessory title was superior to that of the railroad and that the action of the Department "could not deprive the Indians of their rights" (at p. 234).

A similar decision was reached in the Walapai case (United States v. Santa Fe RR Co., 314 U. S. 339), where the Supreme Court held that "forcible removal" of these Indians from the lands which they aboriginally possessed could not impair their possessory rights in such lands since such action "was not pursuant to any mandate of Congress. It was a high-handed endeavor to wrest from these Indians lands which Congress had never declared forfeited" (p. 355).

Former Assistant Secretary Gardner who gave considerable study to this problem, reached the following general conclusions:

> "* * * I have question as to some of the procedures employed, but none as to the basic policy of respecting native rights based upon possession and occupation; that policy in my opinion is compelled not only by standards of decency but also by the requirements of the law.
>
> * * * * *
>
> "Except so far as their use may have been voluntarily abandoned, the natives have either a legally protected right to occupation of lands which are in their actual use and occupation or a valid claim for compensation for past taking with respect to all losses attributable to Government action or inaction. This is now entirely clear as to the natives in the continental United States. Cramer v. United States, 261 U. S. 219; United States v. Santa Fe Pacific R.R. Co., 314 U.S. 339; Alcea Band of Tillamooks v. United States, No. 26, October Term 1946.
>
> "I am satisfied that the same principle applies to Alaska.* * *
>
> "There would, in any event, be a real constitutional question if the Congress were to strip the natives of their rights to land without provision for just compensation." (Memo of March 24, 1947.)

Considerations in Choice of Alternatives.

There are certain facts which should be carefully considered by this Committee in deciding what course is to be followed in this troublesome problem. Most of these facts are well known to the members of this Committee, and I therefore merely list very briefly these considerations:

(1) The need for clarifying title. At almost every point Alaskan development is being held up or slowed up by clouds on title. If we really mean business about developing our northern territory we need to act promptly in ways that will clarify native and white titles.21/ We can do this under existing law or we can do this under various proposed bills, but we cannot do this so long as we postpone a choice between alternative approaches.

(2) The limitations of litigation. It is very easy for the executive and legislative branches of the Government to get together and

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21/ This need was voiced by the Commissioner of Indian Affairs in his annual report for 1872, in the following language:

> "What is to become of the rights of the Indians to the soil, over portions of territory which had not been covered by treaties at the time Congress put an end to the treaty system? * * * How are Indians, never yet treated with, but having every way as good and as complete rights to portions of our territory as had the Cherokees, Creeks, Choctaws, and Chickasaws, for instance, to the soil of Georgia, Alabama, and Mississippi, to establish their rights? How is the Government to proceed to secure their relinquishment of their lands, or to determine the amount of compensation which should be paid therefor? Confiscation, of course, would afford a very easy solution for all difficulties of title, but it may fairly be assumed that the United States Government will scarcely be disposed to proceed so summarily in the face of the unbroken practice of eighty-five years, witnessed in nearly four hundred treaties solemnly ratified by the Senate, not to speak of the two centuries and a half during which the principal nations of Europe, through all their wars and conquests, gave sanction to the rights of the aborigines.
>
> "The limits of the present report will not allow these questions to be discussed; but it is evident that Congress must soon, if it would prevent complications and unfortunate precedents, the mischiefs of which will not be easily repaired, take up the whole subject together, and decide upon what principles and by what methods the claims of Indians who have not treaty relations with the Government, on account of their original interest to the soil, shall be determined and adjusted; * * *."

pass responsibility for solving a hard problem to the courts. But if we do that we should be aware of two things. First, the judicial process in dealing with Indian title questions is pretty slow.22/

In the second place, the courts have frequently refused to decide Indian title questions presented to them on the ground that such questions are political or moral questions that ought to be decided by the executive and legislative branches of the Government.23/ Such cases are usually disposed of on technical procedural grounds and the issue of the merits comes right back to Congress and the Executive.24/

(3) Native economic needs. The native population of Alaska is, on the whole, in a deplorable economic position. Its tuberculosis rate is about 10 times as high as the normal American rate. This is primarily

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22/ In the Walapai case, for example, to which reference has already been made, the Senate Indian Affairs Committee proposed initiation of this law suit in 1932. The subject was a complicated one and it was not until 1937 that the departments concerned had analyzed the facts in the case and instituted litigation. The litigation took 10 years and has only been brought to a conclusion within the last few months. The case of the California Indians, which was authorized by act of Congress in 1928, was concluded after 17 years of litigation. The suit of the Sioux Indians, authorized by the Jurisdictional Act of June 3, 1920 (41 Stat. 738), is still in the courts after more than 27 years.

23/ See Muskrat v. United States, 219 U. S. 346 (1911); Northwestern Bands of Shoshone Indians v. United States, 324 U. S. 335 (1945); and cf. United States v. Holliday, 3 Wall. 407, 419 (1865).

24/ Typical of this situation is the litigation involving the Klamath Tribe. Congress in 1920 (act of May 26, 1920, 41 Stat. 623) authorized suit by this tribe on various claims against the United States. The Supreme Court in 1935 held that it could not pass on the chief claim, which was that the tribe had been over-reached in a cession of timber land worth about $3,000,000 which the Indians were persuaded to sell at 4 percent of its real value. The Supreme Court, in rejecting the Indians' case, declared:

> "The obligation of the United States to make good plaintiffs' loss is a moral one calling for action by Congress in accordance with what it shall determine to be right." (Klamath Indians v. United States, 296 U. S. 244, 255.)

Thereupon Congress, five months after the Supreme Court decision, passed another jurisdiction act (act of May 15, 1936, 49 Stat. 1276) authorizing the courts to pass on the merits of the rejected claim. The courts did this and in 1938 the Supreme Court handed down its second decision, this time passing on the merits and awarding the Indians a judgment for a little more than $5,000,000 (United States v. Klamath Indians, 304 U. S. 119).

the result of inadequate food, and inadequate, overcrowded housing. Where a reasonable land base has been reserved for native communities, as is the case, for instance, at Metlakatla and Tyonek, the native economy has prospered, and this has been reflected in the prosperity of neighboring white towns. In order to enjoy a year-round economy and to improve their own housing, the natives need sawmills, power plants, canneries, and machine shops. They cannot invest money or attract capital for such development unless their titles are clearly established.

(4) Native attitudes. From the standpoint of national defense it is important that our Alaskan population be thoroughly imbued with loyalty and trust towards the Federal Government. We are not likely to strengthen that loyalty and trust among the natives unless promises made to them since 1867 by the United States, in statutes, administrative decisions, and court rulings, are faithfully and honorably executed. From the standpoint of the natives, the most important of these promises are the following:

(1) The promise made in the treaty of cession of 1867 that the natives of Alaska would have at least the same rights that were accorded to the Indians of the States.25/ This to the natives means adequate reservations, where they want reservations, and fair compensation for all land cessions.

(2) The promise made in the Alaska Organic Act (act of May 17, 1884, 23 Stat. 24) that lands occupied or claimed in 1884 should not be disturbed and the assurance that it was the intent of Congress "To save the rights of all occupying Indians until * * * the Secretary of the Interior could ascertain what their claims were and could definitely define any reservations that were necessary to be set aside for their use."26/

(3) The assurance given the natives by many Secretaries of the Interior that their possessory rights would be respected.27/

(4) The promise made by the Secretary of the Interior in 1944 and repeated in 1946 that we would accord hearings to all native groups seeking a determination of the exact extent of their rights.

(5) The promise made by the Secretary of the Interior in 1946 that the Indians would be protected in their use and control of the lands found to be subject to their statutory rights. On January 11, 1946, Secretary Ickes stated:

25/ See pp. 7-16, supra.

26/ See p. 11, supra.

27/ See pp. 12-15, supra.

"* * * All such areas may, of course, be utilized by non-natives, but only with the consent of the owners of the soil. This is the rule that applies throughout the United States to the use of land belonging to another. There is no reason to apply a different rule to the possessions of Alaskan natives."

Failure to carry out these promises is likely to have serious repercussions on the attitudes of our Alaskan natives. If any course of action or inaction is likely to give us a disgruntled and aggrieved native population, that is something that ought to be very seriously considered before anything is said or done which might cause the natives to feel that the Government of the United States is not protecting their rights. The mood indicated by recent communications from native communities in Alaska is predominantly a mood of suspicion. It may easily become something much more serious for the United States generally and for the international reputation of the United States for fair dealings with native peoples.

(5) Public opinion in Alaska. Public opinion in Alaska is sharply divided on the Indian land question. The more vocal elements of public opinion favor a policy of expropriating Indian possessions, with or without compensation. The natives insist that their land rights be respected as fully as those of other Indians. There is a growing middle ground that feels that even a second-best solution reached promptly would be better than a continuation of present uncertainties.28/ At the last territorial election 14 candidates for public office took a definite public stand on the native land question. Of these, 13 declared "that the Alaskan natives should be protected in their possession of the lands that they have always used and treated as their own, until such time as they see fit to dispose of those lands for a fair compensation," and undertook to "support and defend the 1936 law, introduced by Delegate Dimond, which says that each native community shall decide for itself whether it is to be eligible for a land reservation." Eight of these 13 candidates (of both political parties), who pledged themselves to these propositions, were elected. The only candidate (the incumbent Democratic Labor Commissioner) who openly refused to support these propositions was decisively defeated. Of three candidates who gave non-commital or ambiguous answers, one was elected. The Republican Party, in its Territorial platform, supported the right of the natives to retain as much of their traditional holdings as may be "needed to maintain a decent standard of living," and to sell the remainder to the Federal Government.

28/ Dr. Harlan H. Barrows at the conclusion of an Alaskan trip made this summer in the effort to appraise current Alaskan problems reported (on September 18, 1947): "The question of Indian possessory rights should be settled somehow in the near future. More than one local speaker declared that 'any decision would be better than no decision.' I believe that is true."

Incidentally, it may be noted that while this Administration has been subjected to some criticism in recent years for helping the natives, preceding Administrations were criticized much more severely for not helping them. 29/

(6) Restrictions on native property. One of the substantial grounds for opposition to extension or perpetuation of Indian land titles is the feeling that Indian titles are really Indian Bureau titles and that the Indians will have no control of Indian reservation lands. In past years this feeling was widespread among the Indians of Southeastern Alaska, who were accordingly opposed to the establishment of Indian reservations as an impediment on their land titles. As the Indians have learned that we do not propose to interfere with their own use of their own reserves, or to set up any reservation superintendents in Alaska, they have dropped this opposition to reserves, and at the present time petitions from four native communities of Southeastern Alaska for the establishment of reserves or the enlargement of reserves established years ago are pending before this Department. The last convention of the Alaska Native Brotherhood voted unanimously to urge the enlargement of the Hydaburg Reserve.

Our policy in the Interior Department for some years has been to eliminate bureau controls over Indian lands just as rapidly as we can persuade the natives to go along with us. Last summer we urged the Kake Natives, who were drafting a village constitution and charter, to eliminate all departmental controls over the leasing and disposition of their lands and resources. This they have done in documents which the Interior Department approved on November 17, 1947. I think this will serve as a good example for all the other tribes and communities in Alaska. We don't want to have to make the decisions about land use that should be made by the natives themselves. When that is understood in Alaska by whites, as it is coming to be understood by the natives, it may be that some of the opposition to reserving and protecting Indian land rights will evaporate.

One thing that would assist very materially in eliminating the impression of bureau control over Indian lands would be the amendment of those laws now on the statute books which restrict the term of years for which Indian lands may be leased.

Long-term leases seem to be essential to attract capital for large-scale development. The last Congress passed a special act for Indians of the State of Washington (act of August 9, 1946, 60 Stat. 962) extending the permissible term for Indian leases to 25 years. I should like to see that law extended to all Indian lands, but particularly to Indian lands in Alaska. I should like to see that law extended even to a longer period. If that is done, I hope that Congress will not add the proviso included in the 1946 act by which leases of natural resources were excluded from the scope of the law.

29/ See, Memorial of Alaskan Legislature (75 Cong. Rec. 60, Pt. I, Dec. 8, 1931), criticizing the Federal Government because it "has not provided adequate reservations for their (Indian) use."

I may add that while the point has not come before the Supreme Court and is not free from doubt, the courts have held that Indian titles under the 1884 act are alienable without restriction.29a/ Miller v. United States, 159 F. (2d) 997 (C.C.A. 9, 1947), and cases cited.

(7) The scope of native possessions. Many white Alaskans will grant that the Indians are entitled to be protected in their possessions provided the area of such possessions is narrowly construed. What they fear is that Indian possession may be broadly construed to cover Indian hunting and trapping areas. This fear is not entirely fanciful. The Supreme Court has frequently said that possession must be considered in the light of the normal use of the land involved.30/ As for Indian possession, the Supreme Court said more than a century ago, in a case which has been cited and followed ever since:

29a/ This is clear as to individual Indian claims, such as were considered in the Miller case. In Worthen Lumber Mills v. Alaska Juneau G. Min. Co., 229 Fed. 966, 969 (C.C.A. 9, 1916), where it does not appear whether the Indian claim was a group claim or an individual claim, the court said:

> "We do not think that it was the purpose of this act merely to protect the possession of the Indians of lands which they then occupied in Alaska, and to deny them the power to convey to others their right of occupation."

That this rule applies equally to tribal claims is indicated by several cases. To the effect that the 1884 Act must be construed in the light of the fact that the Alaskan Indians "were understood to occupy lands in common either in villages where they lived, or for fishing, hunting, and like purposes," see Johnson v. Pacific Coast S. S. Co., 2 Alaska 224, 239 (1904). And see United States v. Berrigan, and Nagle v. United States, 191 Fed. 141 (C.C.A. 9, 1911), both quoted in fn. 19, supra.

30/ United States v. Fullard-Leo, 331 U. S. 257 (1947) is the latest such decision. In that case the Court held that a possessory title to Palmyra Island was established by 80 years possession which consisted chiefly of continued assertions of ownership backed by visits to the Island and collection of coconuts or other natural products every few years. The Court said:

> "What constitutes such possession of a large tract of land depends to some extent upon circumstances, the fact varying with different condition such as the general state of the surrounding country, whether similar land is customarily devoted to pasturage or to the raising of crops, to the growth of timber or to mining or other purposes. That which might show substantial possession exclusive in its character where the land was devoted to the grazing of numerous cattle might be insufficient to show the same kind of possession where the land was situated in the midst of a large population, and the country devoted, for instance, to manufacturing purposes."

"Indian possession or occupation was considered with reference to their habits and modes of life; their hunting grounds were as much in their actual possession as the cleared fields of the whites; and their rights to its exclusive enjoyment in their own way and for their own purposes were as much respected, until they abandoned them, made a cession to the government, or an authorized sale to individuals." Mitchel v. United States, 9 Pet. 711,745 (1835).

In the Walapai case, for instance, the final decree of the court recognized continued possessory rights of about 460 Indians to a little over one million acres, that is to say a little over 2,000 acres per capita.

It was with the hope of reducing our problem to its proper proportions that this Department began in 1944 to hold hearings at which all parties in interest were represented and in which we proposed to consider all Indian land claims in Alaska, area by area. Of course the Interior Department has been adjudicating Indian land claims as long as we have been in existence. Usually we adjudicate such claims on the petition of a non-Indian who wants a homestead or other patent. In 1944 we put the Indian on the same level as the white man by permitting the Indians to initiate hearing procedures. As a result of our first three hearings, we found that approximately 8 percent of the lands claimed really belonged to the Indian claimants, the rest having been abandoned or otherwise lost to its aboriginal owners.31/ So far, our findings in Alaska have run to about 190 acres per capita. In this connection it may be noted that each Alaskan native is now entitled to take up 160 acres as a native homestead, without the usual requirements of cultivation, improvement, or residence on the homestead (act

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31/ "It is the duty of this Department to respect existing rights in disposing of the Federal public domain. This is true whether the public domain is land or water or a mixture of both, and whether the existing rights were established under Spanish, Mexican, Hawaiian, Danish, Choctaw or Tlingit law. It makes no difference whether the evidence of such rights is found in papers sealed and notarized or in custom and the fact of possession, which is older than seals and notaries. Having attempted to discover the exact facts in these cases, the Department will govern its future actions accordingly. It will recognize that the natives involved in these proceedings are entitled to the exclusive possession of approximately 190 acres per capita of land on which they live and which has remained in their possession since before our sovereignty attached. It will continue to recognize that these natives have certain rights of user in other public lands, protected but limited by our conservation laws. It will take the position that all public lands in which Indian exclusive possession has been extinguished are henceforth open to settlement and disposal, and that whatever loss has been suffered by those Indians through such extinguishment is to be remedied by appropriate action in the Court of Claims." (Decision of July 27, 1945, on Claims of Hydaburg.)

of May 17, 1906, 34 Stat. 197; see 52 L. D. 597 (1929) discussed at pp. 11-12, supra). The lands available for such native homesteads are the same areas that are defined in these findings as subject to possessory rights antedating the establishment of the Tongass National Forest.

On June 10, 1946, we amended our hearing regulations to speed up the quieting of titles by providing that all native land claims in Alaska should be submitted for consideration by December 31, 1949. Of course we realize that a departmental determination of fact can be challenged in the courts and that our decisions are therefore not necessarily final. But since the courts very seldom indeed upset our findings in land matters--~~of those we have made in the past century or so still stand~~,--we hoped that our investigations and determinations might lead to a larger degree of certainty in all Alaskan land titles, Indian and white.

Pursuant to the regulations of June 10, 1946, investigations were conducted under the auspices of the Bureau of Indian Affairs into all Indian land titles in Southeastern Alaska. This investigation resulted in a finding that approximately the same proportion of land has been lost by abandonment or otherwise in other parts of Southeastern Alaska as we found to be the case in those areas which were examined in the 1944 hearings. These findings will be subjected to scrutiny and challenge by all parties if the procedure prescribed in the regulations is carried out.

(8) The nature of Federal responsibility for Alaskan native affairs. It is, of course, entirely for Congress to say whether the Interior Department should exercise the same responsibilities towards the natives of Alaska as it is charged with in relation to the Indians of the States. Many Alaskans seem to take the position that we should carry out all responsibilities which involve paying money--they wish us to build native schools and hospitals, pay tuition for natives in territorial schools, build roads for native communities, and perform various other services involving the expenditure of Federal funds. But the same people who advocate this course are often strenuously opposed to any efforts of the Federal Government to protect the property rights of the Alaskan natives, to see, for instance, that they retain the land base they need to earn enough income to avoid malnutrition and tuberculosis. If we can only spend money, without helping to see that the natives are able to hold on to their property and earn incomes for an American standard of living, then we are just pouring Federal funds down a rathole.

We ought to do our job as it needs to be done or else get out of it and turn it over to the Alaska Legislature.

On this score Delegate Dimond made some very pertinent remarks a few years ago, and with these remarks I conclude my presentation:

> "These cases and departmental opinion have not changed, but, instead, have confirmed, my view that the Government owes to the natives of Alaska a measure of protection and care, looking toward their welfare, which is somewhat similar to the duty imposed upon a guardian by law. * * * It seems to me that perhaps the legal

relation which fits the case most closely is that of trustee and cestui que trust, or beneficiary of the trust.

* * * * * * * * * *

"If my view is not correct, then Congress has been wrong all along in making special appropriations for the education and medical welfare of the natives of Alaska. These appropriations can be based only upon the theory that the Government, and therefore Congress, does owe a special duty to the natives of Alaska which is not owed to the other citizens of the Territory. At the last session Congress appropriated the sum of $626,000 for the support and education 'of the Eskimos, Aleuts, Indians, and other natives of Alaska.' This appropriation, of course, is based upon the theory that a special duty is owed by the Federal Government to the natives of Alaska. It really does not matter what name is given to this duty so long as Congress and the Government generally recognize it. You know, of course, just as well as I, that $626,000 is equivalent to approximately one-half of the total income of the government of the Territory of Alaska for any 1 year, and if this appropriation were to be cut off and the whole burden thrown upon the Territorial government, all of the citizenry of Alaska would suffer and probably the natives most of all. I am sure that you would not want to see Congress adopt any view of the law which would prevent the making of such special annual appropriations, and you would not advise me to urge any such action upon Congress, for the adoption of that course would be about the most disastrous thing that could happen to the natives of Alaska since it would deprive many of the present generation at least of an opportunity for securing adequate education as well as medical relief which is now being furnished by the Federal Government.

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"* * * There is not, to my mind, any single right or privilege or immunity enjoyed by the Indians as citizens of the United States which can possibly be taken away by the fact that they occupy a special relation with respect to the Federal Government so as to be entitled to enjoy benefits not granted to other citizens of the United States.

"Let us refer once more to the actual condition of the residents of Metlakahtla, who now are all citizens of the United States, some by virtue of a special act, the passage of which I secured last year. I have never heard of any one of them being denied any right, privilege, or immunity guaranteed to other citizens of the United States and I have no reason to anticipate or even to suspect that any attempt will be made, or that any attempt could successfully be made under any circumstances, to deny to the other Indian residents of Alaska any such right, privilege, or immunity. * * * The Indians of Metlakahtla, who are unquestionably living on a reservation, vote the same as other citizens, and no right-thinking person would wish to deny them that right even if it could be done. Moreover, the Constitution stands as a protector of their right of suffrage as well as of their other rights." (Cong. Rec., vol. 83, pt. 9, p. 179.)

NATIVE RESERVES

NO.	DATE	LOCATION	AREA	USE	REMARKS
Ex. O.	June 21, 1890	(Sitka		School	
		(Juneau		"	
		(Douglas		"	
"	Jan. 18, 1897	(Kake	0.61	"	U.S.S. 479
		(Hoonah	0.40	"	
		(Chilcat	1.00	"	
"	Aug. 21, 1897	(Kodiak	2.50	"	
		(Kilisnoo	1.50	"	
		(Unalaska	8.50	"	
"	Mar. 30, 1901	Denbigh, Cape	48,000.00	Reindeer	
"	Mar. 31, 1901	Unalakleet	64,000.00	"	Rev. 10/12/29
Secy.	July 26, 1901	Amaknak Id.		School	
Ex. O.	Jan. 7, 1903	St. Lawrence Id.	1,205,000.00	Reindeer	
Secy.	Oct. 31, 1904	Tee Harbor	1.14	School	
Ex. O.	Feb. 15, 1905	Copper River	1,200.00	"	
"	May 10, 1906	Juneau		"	Mod. 3/14/11 - 4/11/11
"	May 4, 1907	Barrow	40.00	"	
"	"	Wainwright	40.00	"	
"	"	Icy Cape	40.00	"	
"	"	Point Hope	40.00	"	
"	"	Kivalina	40.00	"	
"	"	Kotzebue	40.00	"	
"	"	Deering	40.00	"	Rev. 12/14/21
"	"	Shishmaref	40.00	"	
"	"	Wales	14.40	"	U.S.S. 779 See 6/18/43
"	"	Teller	40.00	"	
"	"	Nome	40.00	"	
"	"	Sinuk	40.00	"	
"	"	Council	40.00	"	Rev. 12/14/21
"	"	Igloo	40.00	"	
"	"	Golovin	40.00	"	
"	"	Unalakleet	1.02	"	U.S.S. 1535
"	"	St. Michael	40.00	"	
"	"	Igomute (Ikogmute)	40.00	"	
"	"	Koserefsky	40.00	"	

NO.	DATE	LOCATION	AREA	USE	REMARKS
Ex. O.	May 4, 1907	Anvik (Cont'd)	40.00	School	Rev. 12/14/21
"	"	Nulato	40.00	"	
"	"	Tanana	40.00	"	
"	"	Ft. Yukon	40.00	"	
"	"	Eagle	40.00	"	
"	"	Bethel	40.00	"	
"	"	Quinhagak	40.00	"	
"	"	Nushagak	40.00	"	Rev. 12/14/21
"	"	Dillingham	40.00	"	
"	"	Afognak	40.00	"	Rev. 12/14/21
"	"	Iliamna	40.00	"	
"	"	Tatitlek	40.00	"	
"	"	Yakutat	40.00	"	
"	"	Klukwan	40.00	"	
"	"	Petersburg	40.00	"	Rev. 12/14/21
"	"	Wrangell	40.00	"	Rev. 12/14/21
"	"	Shakan	1.21	"	U.S.S. 924
"	"	Klawock	0.90	"	U.S.S. 923
"	"	Kasaan	0.44	"	U.S.S. 925
"	"	Saxman	0.98	"	U.S.S. 920
"	"	Klinqwan	1.07	"	Rev. 12/14/21 U.S.S. 921
"	"	Jackson (Howkan)	0.80	"	Rev. 12/14/21 U.S.S. 922
965	Nov. 4, 1908	Susitna	0.66	"	
"	"	Tyonek	2.00	"	
1030	Feb. 24, 1909	Copper Center	775.00	"	Red. 12/29/36 Rev. 10/11/41
1194	Apr. 26, 1910	Rampart		"	U.S.S. 2242
"	"	Akiok	0.64	"	U.S.S. 779-A
"	"	Chogiung		"	U.S.S. 937
"	"	Circle		"	U.S.S. 2240
"	"	Iliamna	2.00	"	
"	"	Kanakanak	15.10	"	
"	"	Ugashik	14.50	"	
1316	Mar. 14, 1911	Juneau			Mod. 5/10/06
1331	Apr. 11, 1911	Juneau			Mod. 5/10/06 and 3/14/11
1551	June 19, 1912	Hydaburg	7,883.60	Reserve	Red. 4/17/26
1764	Apr. 21, 1913	Klukwan	800.00	"	
1896	Feb. 24, 1914	Ft. Yukon	75.00	"	

NO.	DATE	LOCATION	AREA	USE	REMARKS
1920	Apr. 21, 1914	Klawak	230.00	Reserve	
1974	July 2, 1914	Ft. Yukon	0.19	School	U.S.S. 1102 Rev. 4/30/19
"	"	Tanana	0.01	"	U.S.S. 1107
1987	July 9, 1914	Gravina	11,000.00	Reserve	Rest. 7/3/24
"	"	Fish Bay	5,500.00	"	Rest. 7/3/24
"	"	Long Bay	3,000.00	"	Rest. 7/3/24
2089	Nov. 21, 1914	Kobuk River	144,000.00	"	
2141	Feb. 27, 1915	Moquakie	25,000.00	"	
Act	Mar. 4, 1915	Reserve of Sections	in surveyed areas	School	
2227	Aug. 2, 1915	Klukwan	35.09	Sanitarium	U.S.S. 907
2228	Aug. 2, 1915	Chilkat	17.21	Fishery Res.	U.S.S. 906
2347	Mar. 21, 1916	NENE 34, T. 16 N., R. 3 W., S.M.	40.00	"	
1332	Apr. 28, 1916	Annette Island (Proc.)		"	
2388	May 25, 1916	Yendistucky	143.79	Reserve	
2508	Jan. 3, 1917	Norton Bay		"	Am. 2/6/17
2525	Feb. 6, 1917	Norton Bay		"	See 1/3/17
2757	Nov. 22, 1917	Akiak	1,280.00	"	
"	"	Mountain Village	1,280.00	"	
"	"	Tatitlek		Education	
3082	Apr. 30, 1919	Ft. Yukon	0.19		See 7/2/14
3089	May 24, 1919	Haines		School	
3588	Dec. 14, 1921	Deering	40.00		See 5/4/07
"	"	Council	40.00		"
"	"	Anvik	40.00		"
"	"	Nushagak	40.00		"
"	"	Afognak	40.00		"
"	"	Petersburg	40.00		"
"	"	Wrangell	40.00		"
3588	Dec. 14, 1921	Klinquan	40.00		See 5/4/07
"	"	Jackson	40.00		"
3673	May 15, 1922	Klukwan			Adj. 4/21/13 to legal subd.
4044	July 3, 1924	Gravina	11,000.00		See 7/9/14
"	"	Fish Bay	5,500.00		"
"	"	Long Bay	3,000.00		"
4312	Sept. 25, 1925	White Mtn.	1,200.00	Education	
4421	Apr. 17, 1926	Hydaburg	7,831.85		See 6/19/12
4778	Dec. 5, 1927	Eklutna	1,368.59	Education	

NO.	DATE	LOCATION	AREA	USE	REMARKS
4778	Dec. 5, 1927	Cordova (Cont'd)	10.00	Education	
5207	Oct. 12, 1929	Unalakleet	64,000.00		See 3/31/01
5219	Nov. 5, 1929	Fort Davis	16.05	Reindeer	
5289	Mar. 4, 1930	Akutan	40.00	School	U.S.S. 2014
"	"	Atka		"	" 2015
"	"	Beaver		"	" 2016
"	"	Belkofski		"	" 2017
"	"	Buckland		"	" 2018
"	"	Chanega		"	" 2019
"	"	Diomede		"	" 2020
"	"	Eek		"	" 2021
"	"	Egegik		"	" 2022
"	"	Galena		"	" 2023
"	"	Goodnews Bay		"	" 2024
"	"	Hamilton		"	" 2025
"	"	Hooper Bay		"	" 2026
"	"	Kaltag		"	" 2027
"	"	Kulukak		"	" 2028
"	"	Kanatak		"	" 2029
"	"	Karluk		"	" 2030
"	"	Kashega		"	" 2031
"	"	King Island		"	" 2032
"	"	Kokrines		"	" 2033
"	"	Kotlik		"	" 2034
"	"	Koyuk		"	" 2035
"	"	Koyukuk		"	" 2036
"	"	Noatak		"	" 2037
"	"	Nunivak		"	" 2038
"	"	Old Harbor		"	" 2039
"	"	Perryville		"	" 2040
"	"	Pilot Sta.		"	" 2041
"	"	Quillingok		"	" 2042
"	"	Quithlook		"	" 2043
"	"	Selawik		"	" 2044
"	"	Shageluk		"	" 2045

All not to exceed 40.00 acres each.

27

NO.	DATE	LOCATION	AREA	USE	REMARKS
5289	Mar. 4, 1930	Shaktoolik (Cont'd)		School	U.S.S. 2046
"	"	Shungnak		"	" 2047
"	"	Sleetnute		"	" 2048
"	"	Stebbins		"	" 2049
"	"	Tetlin		"	" 2050
"	"	Togiak		"	" 2051
"	"	Tundra		"	" 2052
"	"	Umnak		"	" 2053
5359	June 3, 1930	Wainwright	206.00	Education	
5356	June 10, 1930	Tetlin		Vocational	
5391	July 8, 1930	Chitina	2.60	Education	
"	"	Pt. Hope	640.00	"	U.S.S. 2013
6044	Feb. 23, 1933	Amaknak Island	110.00	Fishing Rights	
6118	May 2, 1933			Transfers to military	
7079	July 17, 1935	Ugashik	16.00	School	
Sec'y	Oct. 30, 1936	Eklutna			Reduced 12/18/42 - temp. withd. See 2/24/09
7527	Dec. 29, 1936	Copper Ct.			
7622	May 29, 1937	Unalaska		Hospital	
Sec'y	Feb. 20, 1939	Yakutat	0.276	Health Center	
Sec'y	Apr. 7, 1939	Bethel	150.00	Hospital	
8916	Oct. 11, 1941	Copper Ct.			See 2/24/09
D.P.	Jan. 27, 1942	Unalakleet	870.00	Reserve	
Sec'y	Feb. 23, 1942	Galena	2.24	School	
"	"	"	10.50	Medical	
Sec'y	Apr. 24, 1942	Northway	640.00	School & Hosp.	
Sec'y	Dec. 18, 1942	Eklutna	9,200.00		See 10/30/36
Sec'y	Apr. 27, 1943	Klukwan	320.00	School	
D.P.	May 20, 1943	White Mtn.	1,200.00	Reserve	12/5/27 designated as Res.
"	"	Akutan & Akun	72,000.00	"	"
"	"	Shishmaref	3,000.00	"	"
"	"	Venetie, etc.	1,408,000.00	"	"
PLO 128	May 22, 1943	Karluk	35,200.00	"	"
Sec'y	June 18, 1943	Tanacross	160.00	"	"
Sec'y		Wales	7,200.00	"	See 5/4/07

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY

Washington

February 18, 1948

Indian
Hutchinson
Wheat
Haas
Zimmerman
Silverman
Davis
Budget letters combined-Sol's Office

My dear Mr. Webb:

Reference is made to your letter of January 22, which requests an expression of the views of this Department on the proposed report of the Department of Justice with respect to S. J. Res. 162, "To rescind certain orders of the Secretary of the Interior establishing Indian reservations in the Territory of Alaska."

The proposed report of the Department of Justice sets forth the apparent legal effect of the resolution, if enacted. The proposed report does not attempt to set forth the effect the enactment of such resolution would have upon the economic, moral and social conditions of the natives of Alaska and the rights of the non-natives.

As the proposed report of the Department of Justice is not in conflict with the views of this Department, I have no objection to the presentation of such report to the Congress.

Your enclosure is returned herewith.

For your information I am also enclosing copies of this Department's report to the Senate Committee on Interior and Insular Affairs on S. J. Res. 162.

This report was submitted today, without clearance through the Bureau of the Budget, because of active consideration by the Committee. However, it will be appreciated if we may have an expression of your views as to the relationship of the report to the program of the President.

Sincerely yours,

(Sgd) J. A. Krug

Secretary of the Interior.

Hon. James E. Webb, Director

Bureau of the Budget

Enclosure 490

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Proposed report of Department of Justice on S.J. Res. 162 - Attachment to request of 1/22/48 from Bur. of Budget for this Dept's. views thereon.

Honorable Hugh Butler, Chairman
Committee on Public Lands
United States Senate
Washington, D. C.

January 28, 1948

My dear Mr. Chairman:

This refers to your request for the views of this Department with respect to the joint resolution (S.J. Res. 162) to rescind certain orders of the Secretary of the Interior establishing Indian reservations in the Territory of Alaska.

The resolution would rescind orders of the Secretary of the Interior issued under authority of the Act of May 1, 1936 (49 Stat. 1250), establishing the Akuten, Karluk, Wales, Unalakleet and Venetie, or any other Indian reservations in the Territory of Alaska. Section 2 of the joint resolution would repeal Section 2 of the Act approved May 1, 1936, 49 Stat. 1250 (Sec. 358(a) of Title 48 U.S.C.A.), under which the Secretary of the Interior is authorized to designate certain areas in Alaska as Indian reservations.

It is not clear whether the resolution would have any effect upon the authority of the Secretary of the Interior to proclaim new Indian reservations in Alaska as provided by Section 7 of the Act approved June 18, 1934, 48 Stat. 986 (25 U.S.C. 467). Section 7 and certain other provisions of the Act approved June 18, 1934, were made applicable to the Territory of Alaska by Section 1 of the Act of May 1, 1936 (49 Stat. 1250).

As a matter of information for your Committee, the resolution would have the effect of rendering moot the pending case of Grimes Packing Company v. Hynes, in which this Department is presently considering whether to petition for certiorari. In that case, decided in the United States Circuit Court of Appeals for the Ninth Circuit on November 21, 1947, the primary question was whether under the Act approved May 1, 1936 (49 Stat. 1250), the Secretary of the Interior was authorized to create an Indian reservation in waters below low tide. It was held that Congress had not given such authorization.

The question of whether the joint resolution should be enacted is one of legislative policy concerning which this Department has no suggestions to make.

The Director of the Bureau of the Budget has advised that there is no objection to the submission of this report.

Yours sincerely,

Peyton Ford
The Assistant to the Attorney General

UNITED STATES
DEPARTMENT OF THE INTERIOR
Office of the Secretary
Washington

February 18, 1948

My dear Senator Butler:

Reference is made to your request for a report on S. J. Res. 162 to rescind certain orders of the Secretary of the Interior establishing Indian reservations in the Territory of Alaska. The resolution would rescind orders issued under authority of the Act of May 1, 1936 (49 Stat. 1250), and would repeal Section 2 of the said Act which specifies the ways in which native land reserves may be created in Alaska and enables the confirmation of Indian titles to lands in the Territory.

For the reasons hereinafter stated, I recommend that S. J. Res. 162 be not enacted.

The Act of May 1, 1936, was passed by the Congress to extend certain provisions of the Act of June 18, 1934 (48 Stat. 984), to the Territory of Alaska and to authorize the Secretary of the Interior to designate Indian reservations in Alaska. This legislation was needed to protect, promote and advance the economic and social welfare of the natives by enabling them to set up local self-government. Many of the native groups of Alaska are dependent for their livelihood upon lands which they and their ancestors have used since time immemorial for hunting, fishing, berrying or other purposes. While some of the natives have migrated to the cities and are earning a living away from their ancestral lands, the vast majority must eke out a living from these lands.

All of the orders creating reservations pursuant to the Act of May 1, 1936, were made subject to all existing valid rights or claims as provided by the said act. The rights of non-natives in and to any of the lands are further protected by the present policy of this Department to hold public hearing at which time anyone having an interest in the areas proposed to be reserved may voice his views.

The reservations heretofore established and the proposed reservations are in areas occupied and used by the natives and their ancestors since time immemorial. These lands constitute the economic bases for native life. The exploitation and spoliation of some of the ancestral hunting, fishing and trapping grounds of the natives by non-natives have already worked a hardship on many of the native groups and seriously jeopardized their economic situation. Unless the natives are protected in their occupancy and use of these ancestral areas and are permitted to establish their local governments, the

virtual destruction of these people is almost sure to result. They must be assisted in their efforts to become self-supporting and to combat the introduction of intoxicating liquor within the native communities. Liquor has adverse effects upon their economic, moral and spiritual life.

It is true that several of the reservations heretofore established under authority of the Act of May 1, 1936, include large areas of land. However, they are not excessive to the needs of the natives when the natural resources of the areas are fully considered. Some of the areas such as the Venetie Reservation are located in the interior where the soil and climatic conditions are not suitable to the growth of vegetables and the usual farm produce. These lands will not support a large population and are not suitable for settlement and development. There are thousands upon thousands of acres of land better suited to settlement and development by non-natives which are not occupied or claimed by natives.

The establishment of reservations in Alaska for the natives would fulfill in part the moral and legal obligation of the Federal Government. In at least two acts of Congress this obligation is specifically acknowledged. The Act approved on May 17, 1884 (23 Stat. 26), contains the following language: "Provided, That the Indians or other persons in said district shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress."

The Act of March 3, 1891 (26 Stat. 1100), and other federal statutes also provide for the protection of native property rights. Section 2 of the Act of May 1, 1936, was a fulfillment of the promise of Congress in the 1884 Act. The repeal of this provision would repudiate the pledge contained in Section 16 of the Act of June 18, 1934 (48 Stat. 984), and in various constitutions and charters adopted pursuant thereto. These documents approved by the Secretary of the Interior and ratified by the natives and municipalities provide that Indians organized under this Act shall have the right "to prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe."

The six reservations heretofore designated by the Secretary of the Interior under authority of the Act of May 1, 1936, and approved by the natives occupying them, contain a total of 1,540,600 acres. The acreage included in these reservations is less than one-half of 1% of the total land area of the Territory of Alaska. Practically all these reservations consist of tundra with little vegetation or other resources. The protection of native land

rights and resources in areas in which natives are practically the only inhabitants, does not retard but ensures the development of those areas. For example, the Metlakatla Indian Reservation, one of the oldest in the Territory, has added greatly to the prosperity of nearby Southeastern Alaska.

In view of your desire for an immediate report on S. J. Res. 162, this letter has not been submitted to the Bureau of the Budget for consideration.

Therefore no comment can be made concerning the relationship of the foregoing views to the program of the President.

Sincerely yours,

(Sgd.) J. A. Krug

Secretary of the Interior.

Hon. Hugh Butler,
Chairman, Committee on Interior and Insular Affairs,
United States Senate.

(Identical letter dated February 18, 1948, regarding H. J. Res. 269, sent to Hon. Richard J. Welch, Chairman, Committee on Public Lands, House of Representatives.)

THE SECRETARY OF THE INTERIOR
Washington

FEB 26 1948

FEB 19 1948

My dear Senator Butler:

This letter is in response to your request for a report on S. 2037, a bill "to transfer to the Territorial Government of Alaska the administration within such Territory of laws relating to Indians and for other purposes".

I recommend that S. 2037 be not enacted.

Reduced to simple terms, S. 2037 would terminate any Federal assistance to the natives of Alaska in the conservation and development of Indian lands and resources, terminate authorization for the asking of future loans to native communities and businesses, including the extension of further loans which are necessary to keep businesses operating, eliminate the right of native communities to develop home rule and form chartered corporations for the purpose of carrying on business activities, and repeal the procedures set up by Congress to safeguard native land rights within the territory.

S. 2037 would effectively reverse the policy of safeguarding native title to lands occupied and used by them enunciated by several Congresses during the last 60 years, and would deprive the natives of the protection of their resources guaranteed by Congress and repeatedly confirmed by the courts. A memorandum of information is attached setting out in detail the purpose of the bill and the historic background of aboriginal rights.

The passage of S. 2037 which repeals the procedures now operating for defining and recording native land titles would not diminish the rights of these natives to seek reimbursement for any lands which might be taken illegally, either by the government or settlers. The Alaska Native Brotherhood and Sisterhood and other organizations of Alaska natives have made it repeatedly clear that they are concerned to protect their land titles rather than secure financial reimbursement for lands illegally lost. Indian lands should not be taken without their consent any more than non-Indian lands.

The reservations heretofore established and the sites of the proposed reservations are located in areas occupied and used by the natives and their ancestors since time immemorial. These lands constitute the bases which provide the livelihood of the natives. The

exploitation and spoliation of some of the ancestral hunting, fishing and trapping grounds of the natives by non-natives have already worked a hardship on many of the native groups and seriously jeopardized their economic situation. Unless the natives are protected in their occupancy and use of these ancestral areas from encroachment by non-natives and are permitted to establish their own local government, it may result in the virtual destruction of these people. They must be assisted in their efforts to become self-supporting and to govern themselves. (One example would be local legislation preventing the introduction of intoxicating liquor.)

Generally, those who are familiar with Alaska conditions grant that the most economically successful Indian community in Alaska is Metlakatla. The major difference between Metlakatla and similar native communities in the southeastern district is that Metlakatla has a reserve which protects its land and sea resources, which the natives have been encouraged to develop for their profit. There is no reason to believe that the Tsimpshians, Tlingits and Haidas occupying other native villages in southeastern Alaska are any less able to care for themselves than are the Metlakatlans. However, the other villages have lost their resource base to outside non-native interests.

It has also been a reiterated intention of Congress to contribute toward the civilization and economic rehabilitation of native peoples under the American flag. The Acts of June 18, 1934, and May 1, 1936, which this bill seeks to repeal, provided for those forms of self-help which would enable Alaska natives to establish themselves economically and regain or sustain economic self-sufficiency which all tribes at one time experienced. Without access to credit, the various industrial and commercial activities being undertaken by Alaska villages would terminate. The United States has substantial investments in many of these native enterprises. Without the loan opportunities for advanced vocational and collegiate education the Alaska natives would be condemned to limited educational opportunities of high school level or less. In none of these activities authorized by the Act of June 18, 1934, do Alaska natives become increasingly the wards of the federal government, but through the opportunities for self-help permitted by this Act, many of the villages of Southeast Alaska are moving rapidly toward a social and economic status that will prepare them for incorporation as towns or cities under the territorial government.

This step has already been taken by Hoonah and Kake and is in contemplation by other of these villages. The village of Kake recently adopted a Constitution and Charter in which the supervisory power of the Department is slight. In view of the progress achieved in recent years, several other villages in Southeastern Alaska contemplate amending their constitutions and charters to eliminate most of the Department's supervisory authority.

The withdrawal of the opportunities presented by the Act of 1934 would set back for an indefinite period the development now under way and might prevent these villages from attaining economic self-sufficiency.

I point out further, that in transferring the powers, duties, or functions of the Secretary of the Interior and of the Commissioner of Indian Affairs to the territory of Alaska, the only provision for financial aid is in Paragraph C of Section 1, which authorizes the transfer of unexpended balances to the Territorial Government for the carrying out of these functions. Manifestly, without continuing administrative appropriations, the transfer of authority to the territory becomes a mere gesture and could not be effective. Again, Section 2 provides for the functions, responsibilities and duties of the Secretary of the Interior, the Office of Indian Affairs and the Commissioner of Indian Affairs, relating to the maintenance and operation of hospitals and the conservation of health of Indians in the territory of Alaska to the Public Health Service and the Surgeon General for use in carrying out of these functions. Manifestly, without continuing appropriations for operation, these services would quickly terminate.

It has been assumed that transfer of administrative responsibility for the education and welfare of Alaskan natives to the Indian Bureau in 1931 carried with it the necessary statutory authorizations for Bureau functions, including authorization for operating appropriations. If that is the case, there is no need for Section 3, which specifically authorizes the continued appropriation of operating funds to the Territorial Government in order to provide education for the children of Indians, Eskimos, and other natives. If we trust to the implications of the list of authorized functions, there is no need for Section 3. If Section 3 is necessary in order to provide continuing funds for educational purposes, similar explicit authorization for continuing appropriations for administration and health is equally necessary.

Lastly, the proposed bill presumes that the territory of Alaska is better qualified to administer the laws and regulations relating to natives than is the Indian Service and can do so at lesser cost and with greater efficiency. We have assembled data which indicate that federal construction costs are lower than those of the territory, and that territorial operating costs for schools, welfare and hospitals are higher than the federal costs of similar operations. A transfer to the Territorial Government of the total responsibility for maintenance of educational, welfare and hospital services would in all likelihood result in a diminution in such services, because the Territorial Government would not be in a position at any time in the near future to provide certain services which the Indian Service now furnishes. As there are no longer duplicate schools operated except at Fort Yukon, a transfer of school services to territorial operation at this time cannot reduce

"segregation." The extent to which native children attend one kind of school and non-natives the other, is determined by the geographical distribution of population, which cannot be changed by legislation.

While substantial progress has been made in recent years by the territory of Alaska in the development of its resources, I do not believe that the Territorial Government is yet in a position to assume the financial and administrative burdens which the bill, if enacted, would place upon it. It is our hope that ultimately, the economic and social progress of the native population of Alaska will be such as will permit the Indian Service to discontinue its activities in their behalf. In my judgment, that time has not yet arrived.

In view of your desire for an immediate report on S. 2037, this letter has not been submitted to the Bureau of the Budget for consideration. Therefore, no commitment can be made concerning the relationship of the foregoing views to the program of the President.

Sincerely yours,

(Sgd.) J. A. Krug

Secretary of the Interior.

Hon. Hugh Butler, Chairman,
Committee on Interior and Insular Affairs,
United States Senate.

Enclosure 741.

THE SECRETARY OF THE INTERIOR

WASHINGTON

Memorandum of Information

Relating to the proposed legislation which would transfer to the Territorial Government of Alaska the administration within such territory of laws relating to Indians, and for other purposes.

S. 2037 proposed to transfer all of the powers, duties and functions of the Secretary of the Interior and the Commissioner of Indian Affairs with respect to the administration within the Territory of Alaska of laws relating to Indians, and places the natives of Alaska thereafter under the direction of the Territorial government of Alaska. All the necessary records and property of the Department and the Bureau are ordered transferred, and all unexpended balances of appropriations, allocations or other funds for use in the exercise of the functions transferred are made available to the Territory for carrying out such functions. The date of this transfer is fixed for April 1, 1949.

Section II of the bill transfers all functions, responsibilities and duties of the Secretary of the Interior, the Bureau of Indian Affairs and the Commissioner of Indian Affairs relating to the maintenance and operation of hospitals and the conservation of health of Indians in the Territory of Alaska to the Public Health Service and the Surgeon General, respectively. It authorizes the transfer of all personal records and property of the Bureau of Indian Affairs related to the performance of health functions to the Public Health Service and makes available all unexpended balances of appropriations, allocations or other funds available to the Department or the Bureau in the exercise of the transferred functions to the Public Health Service to carry out these functions. This section is also to become effective on April 1, 1949.

Section III authorizes to be appropriated to the Territorial government of Alaska such sums as may be necessary to enable such government to provide education for children of Indians, Eskimos and other natives of Alaska. It is the only section of this Act which specifically authorizes continuing appropriations for the carrying on of the transferred functions.

Section IV amends the Indian Reorganization Act as approved June 18, 1934, by striking out Sections 9, 10, 11, 12 and 16 which are the only sections applying to Alaska and which were designed to assist in the conservation and development of Indian land and resources, to extend to Indians the right to form business or other organizations, to establish a credit system for Indians, to grant certain rights of home rule to Indians and to provide for vocational education for Indians.

Section XIX of the Act of June 18, 1934, would be amended by striking out the statement that "for the purposes of this Act, Eskimos and other aboriginal people of Alaska shall be considered Indians." This section also repeals the Act of May 1, 1936, which was an amendment to the Act of June 18, 1934, extending further provisions of the Wheeler-Howard Act to the Territory of Alaska and which also provided a method of establishing Indian reservations in Alaska.

As stated in the covering letter, S. 2037 reduced to simple terms would terminate any federal assistance to the natives of Alaska in the conservation and development of Indian lands and resources, terminate authorization for the making of future loans to the native communities and businesses, including the extension of further loans which are necessary to keep the businesses operating, eliminate the right of native communities to develop home rule and form chartered corporations for the purposes of carrying on business activities, and repeal the procedures set up by Congress to give effect to 80 years of Congressional promises that native land rights within the territory shall be safeguarded.

S. 2037 would effectively reverse the policy of safeguarding native title to lands occupied and used by them enunciated by several Congresses during the last 60 years and deprive the natives of the protection of their resources guaranteed by Congress and repeatedly confirmed by the courts.

The Treaty of Cession which transferred the Territory of Alaska from Russian to American sovereignty has never been before the Supreme Court of the United States for interpretation of its intent with regard to the property rights of the aboriginal as distinct from the "civilized" native tribes. However, this treaty may be compared with similar treaties which also affected the rights of aboriginal peoples such as the Louisiana Cession Treaty, the Hawaiian Cession Act, the Philippine Cession Treaty, the Florida Treaty, and the Mexican Cession Treaty. Each of these treaties must be examined in the light of the general principal of international law which, according to the Supreme Court, applies in the absence of express disclaimer by the treaty itself. That principle was first set forth by Chief Justice Marshall, in United States v. Perchman, 7 Pet. 51 (1833), in the following words, which have been quoted and followed in dozens of later cases:

"* * * The modern usage of nations, which has become law, would be violated; that sense of justice and right which is acknowledged and felt by the whole civilized world would be outraged, if private property should be generally confiscated, and private rights annulled. The people change their allegiance; their relation to each other, and their rights of property, remain undisturbed. If this be the modern rule even in cases of conquest, who can doubt its application in the case of an amicable cession of territory? * * * The language of the second article conforms to this general principle. 'His Catholic majesty cedes to the United States in full property and sovereignty, all the territories which belong to him situated to the eastward of the Mississippi, by the name of East and West Florida.' A cession of territory is never understood to be a cession of the property belonging to its inhabitants. * * * Neither party could consider itself as attempting a wrong to individuals, condemned by the practice of the whole civilized world. * * * (At. pp. 86-87.)

Against this general background, the Supreme Court decisions on the effect of treaties of cession, upon aboriginal rights exhibit a clear and simple pattern. The language of the Alaskan Cession Treaty on the effect of cession upon private property is substantially identical with the Louisiana Cession Treaty which has been interpreted as not extinguishing Indian titled. Choteau v. Molony, 16 How. 203 (1853) (holding that possessory rights of the Fox Tribe survived cession). Other cases recognizing the validity of Indian tribal possessions in the area conveyed by the Louisiana Cession include: Buttz v. Northern Pacific Railroad, 119 U. S. 55 (1886); United States v. Shoshone Tribe, 304 U. S. 111 (1938).

The language of the Alaska Cession Treaty on this point is also substantially identical with that of the Florida Cession Treaty which did not, according to the Supreme Court, extinguish native titles. Mitchel v. United States, 9 Pet. 711 (1835).

Likewise, the Hawaiian Annexation Act and thelegislative acts of the Republic of Hawaii which preceded it contained a similar conveyance of public, not private, lands; and again the Supreme Court has held that native titles were not extinguished, even though these native titles included ownership of deep ocean waters. (Damon v. Hawaii, 194 U. S. 154; Carter v. Hawaii, 200 U. S. 255; and see Act of June 17, 1944, 58 Stat. 992, providing compensation to assignees of native fishery rights in Pearl Harbor water areas taken over for naval purposes.).

Again the treaty by which the Philippines were ceded to the United States contained the same distinction drawn by the Alaskan Cession Treaty between "public" and "private" property, and again the Supreme Court held that titles held by Igorot tribal custom survived the cession. Carino v. Insular Government, 212 U.S. 449 (1909). So close was the factual situation respecting native Igorot titles to the Alaskan situation that the statements of the Court, delivered by Mr. Justice Holmes, are entirely applicable to the Alaskan cession treaty if we only substitute Russia for Spain, Alaska for the Philippines and Indian for Igorot, in the following passages:

> "* * * it is hard to believe that the United States meant by 'property' only that which had become such by ceremonies of which presumably a large part of the inhabitants never had heard, and that it proposed to treat as public land what they, by native custom and by long association, one of the profoundest factors in human thought, regarded as their own.
>
> " * * * We hesitate to suppose that it was intended to declare every native who had not a paper title a trespasser and to set the claims of all the wilder tribes afloat. * * * (At p. 459)
>
> "* * * In other words, Spain did not assume to convert all the native inhabitants of the Philippines into trespassers, or even into tenants at will. * * * It is true that it begins by the characteristic assertion of feudal overlordship and the origin of all titles in the king or his predecessors. That was theory and discourse. The fact was that titles were admitted to exist that owed nothing to the powers of Spain beyond this recognition in their books. (At pp. 460-461)
>
> "It is true that the language of Arts. 4 and 5 attributes title to those 'who may prove' possession for the necessary time, and we do not overlook the argument that this means may prove in registration proceedings. It may be that an English conveyancer would have recommended an application under the foregoing decree, but certainly it was not calculated to convey to the mind of an Igorot chief the notion that ancient family possessions were in danger, if he had read every word of it. * * *
>
> "* * * Upon a consideration of the whole case, we are of opinion that law and justice require that the applicant should be granted what he seeks, and should not be deprived of what, by the practice and belief of those among

> whom he lived, was his property, through a refined interpretation of an almost forgotten law of Spain." (At pp. 462-463, emphasis supplied.)

Furthermore Article 3 of the Alaska Cession Treaty not only guarantees the citizenship rights of civilized Indians but extends to the "uncivilized tribes" the protection of the same laws and regulations that applied to the Indian tribes of the United States. The most important of these protections was recognition of their possessory right to the lands they occupied. This was set forth in the following statement by Judge Wickersham, former Delegate from Alaska, appearing in the Congressional Record, Volume 83, pt. 9, p. 181, dated January 13, 1938.

> "The clause taking over these people in Alaska, Russians and other, is, I think, identically the same clause that is found in the treaty by which we purchased Louisiana, and by which we secured the Mexican provinces after the Mexican War; that is, California, Arizona and New Mexico.
>
> "So that the Alaskan Indians at that time came in with the same assurance of citizenship in the United States as those in the Louisiana and Mexican purchases, and the uncivilized Indians came in with the assurance they would be treated exactly as the Indian tribes of the United States are.
>
> * * * * * * * * * * *
>
> "* * * Wherever there was an Indian claim of possession, however, it has been the policy of our Government from the beginning, and the British Government prior to that time, to settle with these natives and procure the quieting of their possessory rights by purchase.
>
> "Now, that policy was extended into Alaska by the third article of this treaty of 1867, purposely, intentionally, and the courts have universally held that they stand in the same exact relation to the Government of the United States, with their property and other rights, that the Indians in the States do."

Whether property is held by individuals directly or by individuals organized in partnerships, families, clans, tribes or other associations, is immaterial, from the standpoint of international law.

As a matter of fact, while there are procedural issues on which tribal and individual Indian titles must be sharply distinguished, in substance the ownership of a tribe is the ownership of its members. "Every member, by virtue of his membership in the tribe, was entitled to dwell upon and share in the tribal property." It would be as im-

possible to confiscate the property of a tribe without impairing the property rights of its individual members as it would be to confiscate the property of a stock corporation without injuring the stockholders. But the courts look beyond form to substance, in these matters:

> "To deprive the corporation of property would, in reality, deprive the stockholders of the property. Consequently, if due process of law had any value, it must protect corporations as well as individuals * * *."

However, the Congress has not been willing to leave the guaranty of aboriginal possessory rights to the interpretation of the Treaty of Cession. Section VIII of the Act of May 17, 1884 is the first legislation recognizing the rights of Alaskan Indians to the possession of lands in their actual use and occupancy. The section reads in part as follows:

> "***that the Indians or other persons in said district shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them, but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress ***."

In interpreting this provision, the Court in Heckman v. Sutter said:

> "The prohibition contained in the Act of 1884 against the disturbance of the use of possession of any Indian or other person of any land in Alaska claimed by them is sufficiently general and comprehensive to include tide lands as well as lands above high-water mark. Nor is it surprising that Congress, in first dealing with the then sparsely settled country, was disposed to protect its few inhabitants in the possession of lands, of whatever character, by means of which they eked out their hard and precarious existence. The fact that at the time the Indians and other occupants of the country largely made their living by fishing was no doubt well known to the legislative branch of the government, as well as the fact that that business, if conducted on any substantial scale, necessitated the use of parts of the tide flats in the putting out and hauling in of the necessary seines. Congress saw proper to protect by its act of 1884 the possession and use by these Indians and other persons of any and all land in Alaska against intrusion by third persons, and so far has never deemed it wise to otherwise provide."

A subsequent judicial decision also stresses--Johnson v. Pacific Coast S.S. Co., 2 Alaska, 224 (1904)--the importance of interpreting the statute in the light of the communal habits of the natives:

"It is well known that the native Indians of this country by their peculiar habits live in villages here and there, in some of which they remain most of the year and in others during certain summer months; that while their habits are somewhat migratory, they have well-settled places of abode, and these usually are not abandoned, though they may vacate them for a few months at a time. The history of the habits of these people is well understood.

* * * * * * * * * * *

"It is believed that the language of this act does not refer to lands held by Indians in severalty, but as to holdings by them collectively in their villages and such places as were occupied by them; that their methods of life were well understood by the lawmaking power, and that they were understood to occupy lands in common either in villages where they lived, or for fishing, hunting and like purposes."

The Act of March 3, 1891, which extends the Homestead Law to Alaska and provides for the acquisition by an individual group or association of 160 acres of land for trade or manufacturing; expressly excepts "any lands * * * to which the natives of Alaska have prior rights by virtue of actual occupation * * *". The possessory rights of the natives cannot be infringed by the granting of townsites.

Section X of the Act of May 14, 1898, extending the homestead laws of the United States to Alaska, authorizes the Secretary of the Interior to reserve for the use of the natives of Alaska "suitable tracts of land along the water front of any stream, inlet, bay or sea shore for landing purposes for canoes and other craft used by such natives * * *". Title to such reserved land cannot be acquired by any individual or group of individuals, even with Indian consent.

Section XXVII of the Act of June 6, 1900, establishing a civil government for Alaska, provides that: "The Indians * * * shall not be disturbed in the possession of any lands now actually in their use or occupation * * *."

The case of United States v. Berrigan held that this statute not only prohibits an entry, under the land laws, upon land occupied by the natives but also forbids any other action which will disturb their possession and renders void any attempt to dispossess them by contract. The court also held that the United States, and not an individual Indian, was the proper party to sue out a mandatory injunction against trespass on Indian land.

Section I of the Act of May 25, 1926, authorizes the townsite trustee to issue a restricted deed to an Alaskan native for a tract in

a townsite occupied and set apart for him. Section III provides that whenever the Secretary of the Interior shall find nonmineral public lands to be claimed and occupied by natives, as a town or village, he may issue a patent therefor to a trustee who shall convey by restricted deed such land to the individual native, exclusive of that embraced in streets or alleys.

While these declarations affirmed unequivocably the integrity of native titles to land occupied and used by them it is the Act of May 1, 1936, which S. 2037 seeks to repeal, which sets forth a consistent procedure for vesting in Indian tribes or individuals the titles of record to the lands which they are occupying. Up until the passage of this latter act which defined the authority of the Secretary of the Interior[1] to determine and designate native land titles, the methods by which this might be done has not been established, but it has been made clear repeatedly that Congress has intended to protect the land title of the Alaskan natives either civilized or aboriginal. The passage of S. 2037, which repeals the procedures now operating for defining and recording native land titles, would not in any way diminish the aboriginal rights of these natives to reimbursement to extinguish title to any lands which might be taken illegally either by the government or by White settlers. The Alaska Native Brotherhood and Sisterhood and other organizations of Alaskan natives have made it repeatedly clear that they are concerned to protect their land titles rather than secure financial reimbursement for lands illegally lost.

It has also been a reiterated intention of Congress to contribute toward the civilization and economic rehabilitation of native peoples under the American flag. The Acts of June 18, 1934, and May 1, 1936, which this bill seeks to repeal, provided for those forms of self-help which would enable Alaska natives to establish themselves economically and regain or sustain the economic self-sufficiency which all tribes at one time experienced. Without access to credit, the various industrial activities being undertaken by Alaska villages would terminate. Without the self-governing opportunities presented by the Act, the launching of industrial enterprises would disappear.

1 "to designate as an Indian reservation any area of land which has been reserved for the use and occupancy of Indians or Eskimos by Section VIII of the Act of May 17, 1884 (23 Stat. 26), or by Section XIV or Section XV of the Act of March 3, 1891 (26 Stat. 1101), or which has been heretofore reserved under any executive order and placed under the jurisdiction of the Department of the Interior or any bureau thereof, together with additional public lands adjacent thereto, within the Territory of Alaska, or any other public lands which are actually occupied by Indians or Eskimos within said Territory: Provided, That the designation by the Secretary of any such

area of land as a reservation shall be effective only upon its approval by the vote, by secret ballot, of a majority of the Indian or Eskimo residents thereof who vote at a special election duly called by the Secretary of the Interior upon thirty days' notice: Provided, however, that in each instance the total vote cast shall not be less than 30 per centum of those entitled to vote."